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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/05/2024

PRESENT

The Hon`ble Mrs.Justice L. VICTORIA GOWRI

CRL OP(MD). No.7912 of 2024

E.Silambarasan,

... Petitioner/ Accused No.1

Vs

The State represented by
The Inspector of Police,
Thiruvaiyaru Police Station,
Thanjavur District.
(Crime No. 281 of 2024).

... Respondent/ Complainant

For Petitioner : Mr.Dhilipan Pandian R L, Advocate.

For Respondent : Mr.A.Albert James,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No. 281 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner / A1 who was arrested and remanded to judicial custody on
16.05.2024 for the offences under sections 379 of IPC r/w 21(1) of the Mines and



Minerals (Development and Regulation) Act, 1957 in Crime No.281 of 2024 on the file of the respondent police seeks bail.

2. The case of the prosecution is that the petitioner has illegally transported 3 bags of river sand. Hence the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Hence, he prays for grant of bail.

4. The learned Government Advocate (Crl.Side) submitted that two previous cases are pending against the petitioner.

5. Heard both sides. Perused the materials available on record including the First Information Report.

6. Taking into consideration of the facts and submissions made by the learned counsels and also the period of incarceration and also considering the quantity of the mineral, this court is inclined to grant bail to the petitioner, subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on bail on their executing a bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)** with two sureties, each for a like sum to the satisfaction of learned **Judicial Magistrate, Thiruvaiyaru, Thanjavur District** and on further conditions that :-

[a] the sureties shall affix their photographs and Left Thumb Impression in the

<https://www.mhc.tn.gov.in/judis>



surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall make a non refundable deposit of **Rs.5,000/- (Rupees Five Thousand only)** to the credit of the Manolaya, 4/133/4, Chardep Nagar Atchankulam, Potrayadi P.O. Kanyakumari District - 629 703 (Account No:025302000000284, IFSC Code:- IOBA0000253, Indian Overseas Bank, Kottaram Branch and shall produce the receipt/acknowledgment before the concerned Court along with surety affidavit.

[c] the petitioner shall report before the respondent police **daily at 10.30 a.m., for a period of 30 days** and thereafter as and when required for interrogation.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner is released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].



[g] If the accused thereafter absconds, a fresh FIR can be registered under

Section 229A IPC.

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29/05/2024

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

LR
TO

1. The Judicial Magistrate,
Thiruvaiyaru,
Thanjavur District.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3. The Officer incharge,
District Prison,
Thanjavur District.

4. The Inspector of Police,
Thiruvaiyaru Police Station,
Thanjavur District.

5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

COPY TO:

The Officer incharge,
Manolaya, 4/133/4,
Chardep Nagar Atchankulam,
Potrayadi P.O. Kanyakumari District - 629 703



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ORDER
IN
CRL OP(MD) No.7912 of 2024
Date :29/05/2024

MK/29.05.2024 5P 7C

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