



CRL OP(MD). No.8816 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/06/2024

PRESENT

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL OP(MD). No.8816 of 2024

Krishnamoorthy

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Naducavery Police Station,
Thanjavur District
Crime No.278/2024.

... Respondent/Complainant

For Petitioner : Mr.P.Vadivel, Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.278/2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who was arrested on 08.06.2024 for the alleged offence under Section 379 IPC r/w 21(1) of Mines and Minerals Act, 1957 in Crime No.278 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner has illegally transported 1/2

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unit of river sand in a Vehicle bearing Registration No. TN 50 Y 6975. Hence, the complaint.

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3.The learned counsel for the petitioner submits that the the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. The petitioner is an agriculturist and only for statistical purpose, the case has been foisted as against this petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent opposes for grant of bail to the petitioner on the ground that the investigation is yet to be completed. He further submits that no previous case is pending as against this petitioner.

5. Considering the facts and circumstances of this case and considering the period of incarceration, this Court is inclined to grant bail to the petitioner with the certain conditions.

6. Accordingly, this Criminal Original Petition is ordered and the petitioner is ordered to be released on bail on the following conditions:-

i) The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Thiruvaiyaru.



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ii) The petitioner and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the Government in proof of their residence address;

iii) The petitioner shall report before the respondent police as and when required. He shall co-operate for the interrogation.

iv) The petitioner shall not misuse the liberty granted to him by indulging in any further offence and shall not tamper with the prosecution witnesses. The petitioner shall be available for the trial as well.

v) On violation of any of the above conditions by the petitioner, the respondent police shall move an application for cancellation of the bail.

7. It is needless to say that any tool or instrument or vehicle used for illegal quarrying / transportation of sand is liable to be seized under Section 21(4) of the Mines and Minerals(Development & Regulation) Act, 1957 and any vehicle or instrument or tool which has been seized under Section 21(4) of the Mines and Minerals (Development & Regulation) Act, 1957, is liable to be confiscated.

sd/-

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18/06/2024

Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

vrn

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TO

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1 THE JUDICIAL MAGISTRATE, THIRUVAIYARU.

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

3 THE OFFICER INCHARGE, SUB JAIL, THANJAVUR.

4 THE INSPECTOR OF POLICE, NADUCAUVERY POLICE STATION,
THANJAVUR DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.P.VADIVEL, Advocate (SR-6600[I] dated 18/06/2024)

ORDER

IN

CRL OP(MD) No.8816 of 2024

Date :18/06/2024

RS//SAR-(18.06.2024) 4P 7C

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