



CRL OP(MD). No.9324 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/06/2024

PRESENT

THE HON`BLE MR.JUSTICE B.PUGALENDHI

CRL OP(MD). No.9324 of 2024

1.Sivasankar

2.Mohanraj

... Petitioners/ Accused No.1 & 2

Vs

The Inspector of Police,
Thiruverumbur Police Station,
Trichy District
Crime No.252/2024.

... Respondent/Complainant

For Petitioners : Mr.R.Alagia Nambi, 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.252/2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who were arrested on 18.06.2024 for the alleged offence under Section 379 of IPC and Section 21(4) of Tamil Nadu Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.252 of 2024, on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners have illegally transported 35 bags of river sand in a vehicle bearing Registration No. TN 55AH 1901. Hence, the complaint.



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3.The learned Additional Public Prosecutor appearing for the respondent submits that the second petitioner is having two previous cases to his credit.

4.Considering the nature of offence and the antecedents of the second petitioner, this Court was not inclined to grant bail to the petitioners.

5.The learned counsel appearing for the petitioners submits that on his advice, the petitioners have realized their mistake and in order to show their bonafide, they have paid a sum of Rs.15,000/- to the District Educational Officer, Tiruchirappalli for the purpose of welfare activities of any one of the Government Schools in the District, such as construction of toilet and providing drinking water facility etc.,

6.Considering this change in the attitude of the petitioners that they have realized their mistake and paid a sum of Rs.15,000/- to the District Educational Officer, Trichirappalli, this Court is inclined to grant bail to the petitioners with some conditions.

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

i) The petitioners 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 No.6, Trichy.

ii) The petitioners and the sureties shall submit a copy of their Aadhaar Card or



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any other identity card issued by the Government in proof of their residence address;

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iii) The petitioners shall report before the respondent police daily at 10.30 a.m until further orders.

iv) The petitioners shall file an affidavit of undertaking before the respondent police that they will not indulge in any offence in future.

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

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

8. 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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26/06/2024

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



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TO

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1 THE JUDICIAL MAGISTRATE NO.6, TRICHY.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.

3 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.

4 THE INSPECTOR OF POLICE, THIRUVERUMBUR POLICE STATION,
TRICHY DISTRICT.

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

COPY TO

THE DISTRICT EDUCATIONAL OFFICER,
TRICHIRAPPALLI.

+1 CC to M/s.R.ALAGIA NAMBI, Advocate (SR-6980[I] dated 26/06/2024)

ORDER
IN

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Date :26/06/2024

RS//SAR-(26.06.2024) 4P 8C

Madurai Bench of Madras High Court is issuing
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