



CRL OP(MD). No.9590 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/07/2024

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.9590 of 2024

Nandhakumar,

... Petitioner/ Accused Rank Not Known

Vs

The Inspector of Police,
Thiruvaidaimaruthur Police Station,
Thanjavur District.
Crime No. 477 of 2024.

... Respondent/ Complainant

For Petitioner : M/s.Saravanan.A,Advocate.

For Respondent : Mr.R.M.Anbunithi,

Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.477 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/ Accused (Rank Not Known), who was arrested and remanded to



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judicial custody on 14.06.2024 for the offences punishable under Sections 379 IPC r/w 21(1) of Mines and Minerals (Development and Regulation) Act) 1957, in crime No.477 of 2024 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and other accused have illegally transported 1/2 unit of river sand. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 14.06.2024. Hence, he may be released on bail.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioner and other accused have illegally transported 1/2 unit of river sand. He would further submit that the petitioner is having two previous cases not in similar nature and the investigation in this case is still pending. Hence, he strongly opposed to grant bail to the petitioner.

5.Considering the the period of incarceration and also considering the gravity of the offence, this Court is inclined to grant bail to the petitioner on certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on 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 the



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Judicial District Munsif Cum Judicial Magistrate Court, Thiruvudaimaruthur,
Thanjavur District.

(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Special Court/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii) the petitioner is directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of the Head Mistress, MDU East PU Primary School, Y.Othakadai, Madurai (SBI Bank, CIF No.80080760812, A/c No.10111536270,IFSC No.SBIN0002246), Phone No.2422950, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties;

(iii)the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(iv)the petitioner shall not tamper with evidence or witness;

(v)the petitioner shall not abscond during trial.

(vi)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 released on bail by the learned Special Court/Trial Court himself as laid down by the Hon'ble Supreme



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Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
01/07/2024

/ TRUE COPY /

01/07/2024
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

TO

- 1 THE JUDICIAL DISTRICT
MUNSIF CUM JUDICIAL MAGISTRATE COURT
THIRUVIDAIMARUTHUR
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT @ KUMBAKONAM.
- 3 THE OFFICER INCHARGE
SUB JAIL, THIRUVIDAIMARUTHUR,
THANJAVUR DISTRICT..
- 4 THE INSPECTOR OF POLICE
THIRUVIDAIMARUTHUR POLICE STATION,
THANJAVUR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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THE HEADMISTREE
MDU EAST PU PRIMARY SCHOOL, Y.OTHAKADAI,
MADURAI.

+1 CC to M/s.A.SARAVANAN, Advocate (SR-7152[I] dated 01/07/2024)

ORDER
IN
CRL OP(MD) No.9590 of 2024
Date :01/07/2024

PKP/01.07.2024/ 5P/ 8C

Madurai Bench of Madras High Court is issuing certified
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