



CRL OP(MD). No.10791 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/07/2024

PRESENT

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

CRL OP(MD). No.10791 of 2024

Balasubramaniyan,

... Petitioner/ Accused NO.2

Vs

The Inspector of Police,
Peravurani Police Station,
Thanjavur District.
Crime No. 147 of 2024.

... Respondent/Complainant

For Petitioner : Mr.C.Bharathi
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

PRAYER :- For Bail in Crime No. 147 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested by the respondent police on 27.06.2024 for the offences punishable under Section 379 I.P.C and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.147 of



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2024, seeks bail.

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2.The case of the prosecution is that the petitioner has illegally transported $\frac{1}{4}$ 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. However, he would further submit that the petitioner shall abide any condition imposed by this Court. Hence, he prays for bail.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioner has transported 1 unit of river sand illegally and he is not having any previous case. The investigation in this case is not yet completed. Hence, he strongly opposed to grant bail.

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



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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 learned District Munsif cum Judicial Magistrate, Peravurani.

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

(ii) the petitioner is directed to pay a sum of Rs.1,000/- (Rupees One Thousand only) to the credit of the Madurai Bench of Madras High Court Advocate Clerk's Welfare Association, Madurai - 625023, without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties;

(ii)the petitioner shall report before the respondent Police, daily at 10.30 a.m. For a period of two weeks and thereafter, as and when required for interrogation;

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



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iv)the petitioner shall not abscond during trial.

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v)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 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].

vi)If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
19/07/2024

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19/07/2024
Sub-Assistant Registrar (AD-II)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1. THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, PERAVURANI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR @ KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
PERAVURANI POLICE STATION,
THANJAVUR DISTRICT.



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4 THE OFFICER IN CHARGE,
DISTRICT PRISON, PUDUKOTTAI.

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

TO

THE OFFICER IN CHARGE,
MADURAI BENCH OF MADRAS HIGH COURT
ADVOCATE CLERK'S WELFARE ASSOCIATION,
MADURAI - 625023

ORDER
IN
CRL OP(MD) No.10791 of 2024
Date :19/07/2024

RK (19/07/2024) 5P / 7C

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