



CRL OP(MD). No.11042 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/07/2024

PRESENT

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

CRL OP(MD). No.11042 of 2024

Dhivan @ Dhivan Babu

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Kabisthalam Police Station,
Thanjavur District.
Crime No. 764/2024

... Respondent/Complainant

For Petitioner : Mr.K.M.Karunakaran, Advocate.

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

PETITION FOR BAIL UNDER SEC 483 of BNSS

PRAYER :-

For Bail in Crime No. 764 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 01.07.2024 for the offences punishable under Sections 379 IPC r/w. 21(4) of Mines and Minerals (Development and Regulation) Act, 1957 in crime No.764 of 2024 on the file of the respondent police, seeks bail.



CRL OP(MD). No.11042 of 2024

WEB COPY

2.The case of the prosecution is that the petitioner herein and other accused have illegally transported 10 gunny bags of river sand worth about Rs.500/- and the same has been recovered. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 01.07.2024, hence, he may be granted bail.

4.The learned Additional Public Prosecutor would submit that the property has been recovered and the petitioner is having 1 previous case and hence, he strongly opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the period of incarceration and that the property has been recovered, 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 learned Judicial Magistrate, Papanasam and on further conditions that;

(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



CRL OP(MD). No.11042 of 2024

card or Bank Pass Book to ensure their identity;

WEB COPY

(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;

(iv)the petitioner shall not abscond during trial.

(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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
22/07/2024

/ TRUE COPY /

22/07/2024

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

TRP
TO

1 THE JUDICIAL MAGISTRATE, PAPANASAM

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

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



CRL OP(MD). No.11042 of 2024

3 THE OFFICER INCHARGE, SUB JAIL, PAPANASAM.

WEB COPY

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

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

+1 CC to M/s.K.M.KARUNAKARAN, Advocate (SR-8246[I] dated 22/07/2024)

ORDER

IN

CRL OP(MD) No.11042 of 2024

Date :22/07/2024

RS//SAR-(22.07.2024) 4P 7C

Madurai Bench of Madras High Court is issuing
certified copies in this format from 17/07/2023