



CRL OP(MD). No.11405 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/07/2024

PRESENT

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

CRL OP(MD). No.11405 of 2024

Rajendran @ Rajendran Kokki,

... Petitioner/ Accused No.3

Vs

The Inspector of Police,
Thiruvidadaimarudhur Police Station,
Thanjavur District,
Crime No.531/2024.

... Respondent/Complainant

For Petitioner : M/s.Boomee Rajan.P.R,
Advocate.

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

PETITION FOR BAIL Under Sec.439 of Cr.P.C.(Now under Section 483 of BNSS)

PRAYER :-

For Bail in Crime No.531/2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A3, who was arrested and remanded to judicial custody on



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01.07.2024 for the offences punishable under Section 303 of BNS (379 of IPC) r/w.

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Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.531 of 2024 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner was found in illegal possession of 15 bags of river sand in his two wheeler.

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 01.07.2024, hence he may be released on bail.

4.The learned Additional Public Prosecutor would submit that the investigation is yet to be 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 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 District Munsif Cum Judicial Magistrate, Thiruvidaimaruthur, Thanjavur District;



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

(iii) the petitioner shall make a non refundable deposit of Rs.5,000/- (Rupees Five Thousand only) to the credit of the Save Poor Live, A/c. Lavanya Patel, Account No.20000913487 IFSC No.SBI0001855, without prejudice to his contentions and rights before the trial Court.

(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 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].



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

sd/-
23/07/2024

/ TRUE COPY /

24/07/2024
Sub-Assistant Registrar(CO)
Madurai Bench of Madras High Court
Madurai

DSS

TO

1. The District Munsif Cum Judicial Magistrate,
Thiruvidaimaruthur, Thanjavur District..
2. Do-Through The Chief Judicial Magistrate,
Thanjore District.
3. The Superintendent, Sub Jail, Thiruvidaimaruthur..
4. The Inspector of Police,
Thiruvidaimarudhur Police Station,
Thanjavur District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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The Officer Incharge, the Save Poor Live, A/c.Lavanya Patel,
Thanjavur District.

ORDER
IN

CRL OP(MD) No.11405 of 2024
Date : 24/07/2024

KB(24.07.2024) 5P/ 7C

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