



CRL OP(MD). No.12174 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/07/2024

PRESENT

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

CRL OP(MD). No.12174 of 2024

A.Josephraj,

... Petitioner/ Accused Rank Not Known

Vs

The Inspector of Police,
Thanjavur Taluk Police Station,
Thanjavur District,
Crime No.318/2024.

... Respondent/Complainant

For Petitioner : Mr.Dhilipan Pandian R L,
Advocate.

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

PRAYER :- For Bail in Crime No.318/2024 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 20.07.2024 for the offences punishable under Section 379 I.P.C r/w. Section 21 (1) of Mines and Minerals (Development and Regulations) Act, 1957, in crime No.318 of 2024 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner was illegally transported ½



CRL OP(MD). No.12174 of 2024

unit of river sand. Hence, the case.

WEB COPY

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 20.07.2024, hence he may be released on bail.

4.The learned Additional Public Prosecutor would submit that the petitioner is not having any previous case, and the investigation is pending. 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 Judicial Magistrate No.II, Thanjavur District.

(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.,for



CRL OP(MD). No.12174 of 2024

a period of three weeks and thereafter as and when required for interrogation;

WEB COPY

(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 229-A IPC.

sd/-
31/07/2024

/ TRUE COPY /

01/08/2024
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

LS
TO

1 THE JUDICIAL MAGISTRATE NO.II,
THANJAVUR DISTRICT.

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

3 THE OFFICER INCHARGE,
DISTRICT PRISON, THANJAVUR, THANJAVUR DISTRICT.

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



CRL OP(MD). No.12174 of 2024

4 THE INSPECTOR OF POLICE,
THANJAVUR TALUK POLICE STATION,
THANJAVUR DISTRICT,

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

+1 CC to M/s.R.L.DHILIPAN PANDIAN, Advocate (SR-9132[I] dated 31/07/2024)

ORDER IN
CRL OP(MD) No.12174 of 2024
Date :31/07/2024

SA/SAR. /01.08.2024/4P/7C

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