

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Twenty Ninth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.7498 of 2019

RAJ,

... PETITIONER

Vs

THE STATE REP.BY ITS
THE INSPECTOR OF POLICE,
THIRUVAIYARU POLICE STATION,
THANJAVUR DISTRICT.
(CRIME NO.112 OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.A.SIVASUBRAMANIAN Advocate

For Respondent : MR.R.ANANDARAJ,
Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner / accused, who was arrested and remanded to judicial custody on 09.05.2019 for the offence punishable under Section 379 of IPC r/w Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.112 of 2019, seeks bail.

2.The case of the prosecution is that the petitioner is alleged to have transported five gunny bags of sand illegally by using two wheeler. Thus, on complaint, a case has been registered against the petitioner.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution and his name has been falsely implicated in this case.

4.The learned Additional Public Prosecutor appearing for the respondent police submitted that the property, which was used for commission of offence, was recovered and the investigation is not yet completed.

5. The submissions made by the learned counsel on either side are considered. It is alleged, during the time of occurrence, the petitioner transported the sand without getting any permission from the appropriate authority. As of now, the property, which was used for commission of offence was recovered. Hence, further detention is not necessary for completing investigation. However, considering the nature of offence committed by the petitioner, this Court has imposed some stringent condition for granting bail to the petitioner.

6. Accordingly, **the petitioner is ordered to be released on bail** subject to the following conditions:

(i) the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Thiruvaiyaru.

(ii) the sureties shall submit a copy of their Aadhar Card or any other identity cards issued by the Government, in proof of their address, along with the surety bonds.

(iii) The petitioner shall deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) to the credit of Crime No.112 of 2019 before the learned Judicial Magistrate, Thiruvaiyaru, without prejudice to his defence before the trial Court.

(iv) the petitioner shall report before the respondent police daily at 10.00 a.m for a period of one month and thereafter, as and when required for interrogation.

(v) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(vi) the petitioner shall co-operate for the investigation and the trial. The petitioner shall not abscond either during investigation or trial and in event of the petitioner abscond, the respondent police shall register a case as provided under Section 229-A IPC.

(vii) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioners shall stand automatically cancelled and the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].

sd/-

29/05/2019

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICAIL MAGISTRATE,
THIRUVAIYARU.

2 DO THRO' THE CHIEF JUDICAIL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE,
THIRUVAIYARU POLICE STATION,
THANJAVUR DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY

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

+1 CC to MR.A.SIVA SUBRAMANIAN, Advocate (SR-8806[I] dated
29/05/2019)

ta /Myr

AE/MMS/SAR-IV (30.05.2019) 3P 7C

ORDER

IN

CRL OP(MD) No.7498 of 2019

Date :29/05/2019

सत्यमेव जयते

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