



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

Friday, the First day of February Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.1762 of 2019

A.ANANDA KUMAR

... PETITIONERS / ACCUSED NO.1

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
BUDLAUR POLICE STATION,
THANJAVUR DISTRICT.
CRIME NO.12 OF 2019

... RESPONDENT / COMPLAINANT

For Petitioner : MR.K.S.DURAIPANDIAN Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.Side)

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

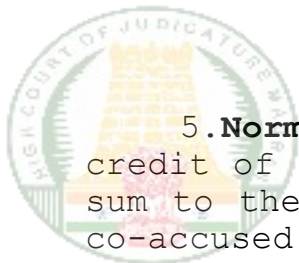
ORDER : The Court Made the following order :-

The petitioner was arrested and remanded to judicial custody since 13.01.2019 for the offences punishable under Section 379 of I.P.C. r/w. 21(1) of Mines and Minerals Act, 1957, in Crime No.12 of 2019, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner illegally transported one Unit of sand. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner has not committed any offences as alleged by the prosecution and he has been falsely implicated in this case and that therefore, he may be granted bail.

4.The learned Government Advocate (criminal side) would submit that the petitioner is A1, the co-accused/A3 and A4 in this Crime have already been granted anticipatory bail by this Court, vide order, dated 23.01.2019 in Crl.O.P.(MD)No.920 of 2019 on condition to deposit a sum of Rs.15,000/-(non refundable) in the said Crime Number before the concerned District Mineral Foundation Trust.



5. **Normally this Court directs** the amount to be deposited to the credit of the Crime Number. If any of the petitioner deposits that sum to the credit of the Crime Number, on satisfying the same, the co-accused shall be granted bail only on executing the bond with two sureties.

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

7. Accordingly, the petitioner is ordered to be released on bail on his 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, Thiruvaiyaru, Thanjavur District and on further condition that:

[a] the petitioner shall report before the respondent police daily at 10.30 a.m until further orders.

[b] the petitioner shall not abscond either during investigation or trial.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] 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]**.

[e] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

01/02/2019

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

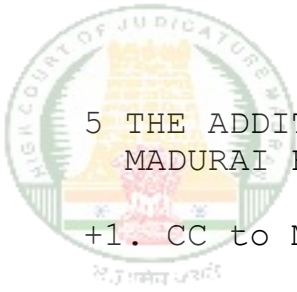
TO

1 THE JUDICIAL MAGISTRATE,
THIRUVAIYARU, THANJAVUR DISTRICT.

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

3 THE INSPECTOR OF POLICE,
BUDLAUR 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 M/S.K.S.DURAIPANDIAN Advocate SR.No. 44274

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ORDER

IN

CRL OP(MD) No.1762 of 2019

Date :01/02/2019

JM-TK/PN/SAR 4/01.02.2019/3P/7C