



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

Friday, the Eleventh day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.582 of 2019

PRABHU

... PETITIONER/ ACCUSED No.1

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
THIRUVAIYARU POLICE STATION,
THANJAVUR DISTRICT.
Crime No.410 of 2018

... RESPONDENT/ COMPLAINANT

For Petitioner : Mr.G.KARNAN Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

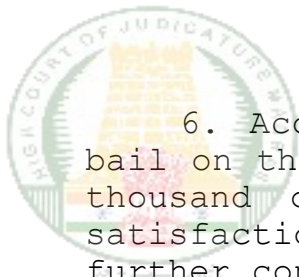
The petitioner was arrested and remanded to judicial custody since 16.12.2018 for the offences punishable under Section 379 of IPC r/w.21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.410 of 2018, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner had illegally transported half unit of sand.

3. The learned counsel for the petitioner would submit that petitioner has been falsely implicated as an accused and he has not committed any offence as alleged by the prosecution.

4. The learned Government Advocate(Crl.Side) would submit that the property has been recovered from this petitioner and he would further submit that there is no previous case pending against the petitioner.

5. Considering the facts and circumstances of the case and also considering the period of incarceration of the petitioner and also the fact that property has been recovered, this Court is inclined to grant bail to the petitioner.



6. Accordingly, the petitioner is ordered to be released on bail on their 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 and on further condition that:

[a] 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.

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

sd/-
11/01/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE,
THIRUVAIYARU.

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

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

<https://hcservices.courts.gov.in/hcservices/>
4. THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.



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

+1. CC to Mr.G.KARNAN Advocate SR.No.782

WEB COPY

ORDER

IN

CRL OP(MD) No.582 of 2019

Date :11/01/2019

TK/VR/SAR-1/11.01.2019/3P/7C