



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

Wednesday, the Fifteenth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice B.PUGALENDHI

CRL OP (MD) No.6692 of 2019

KALAISELVAM

... PETITIONER/SOLE ACCUSED

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
BHOODHALUR POLICE STATION,
THANJAVUR DISTRICT.
CRIME NO.63 OF 2019

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.K.M.KARUNAKARAN Advocate

For Respondent : MR.A.ROBINSON, Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

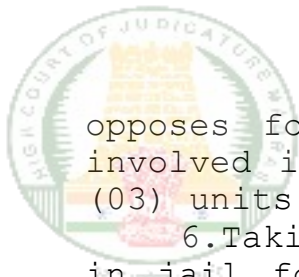
The petitioner/ sole accused, who was arrested and remanded to judicial custody on 26.04.2019 for the offence punishable under Section 379 of IPC r/w Section 21(1) of Mines and Minerals (Development and Regulation Act), 1957 in Crime No.63 of 2019, on the file of the respondent police, seeks bail.

2.Heard Mr.K.M.Karunakaran, learned Counsel for the petitioner and Mr.A.Robinson, learned Government Advocate (Crl Side) appearing for the State.

3.The case of the prosecution is that on 26.04.2019, the *de facto* complainant/ Grade I Police was on patrol duty. He intercepted a Tipper Lorry carrying three (03) units of river sand and therefore, he arrested the petitioner/sole accused and seized his vehicle.

4.The learned counsel for the petitioner submitted that the petitioner is an innocent and has not committed any offences as alleged by the prosecution. The learned counsel further submitted that this petitioner was arrested and remanded to judicial custody on 26.04.2019. He is languishing in the jail for the past 19 days. <https://hccservices.mca.gov.in/cse/ncs/>, there is no bad antecedent against him and to show his bonafide, he is also prepared to deposit some amount.

5.The learned Government Advocate (Crl. Side) vehemently



opposes for the grant of bail as the petitioner/sole accused is involved in illegal sand mining and he was in possession of three (03) units of river sand.

6. Taking into consideration of the fact that the petitioner is in jail for a period of 19 days and there is no bad antecedent against the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions.

7. The petitioner is directed to deposit a sum of Rs.45,000/- each (Rupees Forty Five Thousand only) to the account of Patient Welfare Society, District Headquarters Hospital, Thanjavur District and preferably it can be utilized for the purpose of installation of UPS(inverter) in the Hospital wards depending upon the requirement within the district, on such deposit, 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, for a like sum to the satisfaction of the learned Judicial Magistrate, Thiruvaiyaru, Thanjavur and on further conditions that:-

[a] the petitioner as well as 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;

[b] the petitioner shall report before the respondent police daily at 10:30 a.m. until further orders;

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

[d] 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 absconds, the respondent police shall register a case as provided under Section 229-A IPC; and

[e] in the event of breach of any of the aforesaid conditions, the learned Magistrate / trial Court is entitled to take appropriate action against the petitioner, as per the principles laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

8. Merely, because the petitioner has deposited the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

sd/-

15/05/2019

/ TRUE COPY /

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 DISTRICT AT KUMBAKONAM

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

4. THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY

5. THE OFFICER INCHARGE,
THE PATIENT WELFARE SOCIETY, DISTRICT
HEADQUARTERS HOSPITAL, THANJAVUR DISTRICT

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

+1. CC to M/S.K.M.KARUNAKARAN Advocate SR.No.8309

ORDER

IN

CRL OP(MD) No.6692 of 2019

Date :15/05/2019

STS

PK/VR/SAR-2/17.05.2019 : 3P/8C