

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.7405 of 2019

RAJKUMAR

... PETITIONER / ACCUSED No.1

Vs

THE STATE REP.BY
 THE INSPECTOR OF POLICE
 NADUCAUVERY POLICE STATION,
 THANJAVUR DISTRICT.
 Crime No.68 of 2019

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.K.M.KARUNAKARAN 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, who is arrayed as accused, was arrested and remanded to judicial custody on 16.05.2019 for the offences punishable under Section 379 of I.P.C. read with 21(1) of Mines and Minerals Act, 1957 in Crime No. 68 of 2019, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner is alleged to have transported 2 ½ units of sand illegally by using four 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, 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.

6. 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 of the petitioner is not necessary for completing the investigation. Therefore, considering the quantity of the sand, which was stolen away by the petitioner, considering the period of incarceration and also considering the nature of offence committed by the petitioner, this Court has inclined to grant bail with some stringent condition. 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, Thiruvaiyar, Thanjavur District.

(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.68 of 2019 before the learned Judicial Magistrate, Thiruvaiyaru, Thanjavur District without prejudice to his defence before the trial Court.

(iv) the petitioner shall stay at Viralimalai and report before the Inspector of Police, Viralimalai Police Station, daily at 10.00 a.m., for a period of 3-weeks and thereafter, as and when required for interrogation.

(v) the petitioner shall not tamper with the 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 of I.P.C.

(vii) on breach of any of the aforesaid conditions, the 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 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 /

TO

1. THE JUDICIAL MAGISTRATE,
THIRUVAIYAR, THANJAVUR DISTRICT.

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

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

4. THE INSEPCTOR OF POLICE
VIRALIMALAI POLICE STATION,
VIRALIMALAI.

5. THE OFFICER INCHARGE,
SUB JAIL, PAPANASAM,

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

+1. CC to Mr.K.M.KARUNAKARAN Advocate SR.No.8818

ORDER
IN
CRL OP(MD) No.7405 of 2019
Date :29/05/2019

TK/VR/SAR-3/31.05.2019/3P/8C

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