

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.7469 of 2019

GOVINDARAJ

... PETITIONER / ACCUSED No.2

Vs

STATE THROUGH
THE INSPECTOR OF POLICE,
THANJAVUR TOWN EAST POLICE STATION,
THANJAVUR DISTRICT.
(CRIME NO. 134 OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.R.MAHESWARAN 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 No.2, who was arrested and remanded to judicial custody on 10.05.2019 for the offence punishable under Section 379 of IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.134 of 2019, seeks bail.

2.The case of the prosecution is that the petitioner and other accused are alleged to have transported 1/4 unit of river sand illegally by using bullock cart. 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 stolen properties have been 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, for completing investigation, further detention is not necessary. However, considering the quantity of the river sand stolen away by the petitioner and also on considering the nature of offence committed by the petitioner, this Court is of the opinion that some stringent condition may be necessary 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 No.I, Thanjavur.

(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.134 of 2019 before the learned Judicial Magistrate No.1, Thanjavur, 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 three weeks 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.

(vi) 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 /

TO

1 THE JUDICIAL MAGISTRATE NO.I,
THANJAVUR

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

3 THE INSPECTOR OF POLICE,
THANJAVUR TOWN EAST POLICE STATION,
THANJAVUR DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY

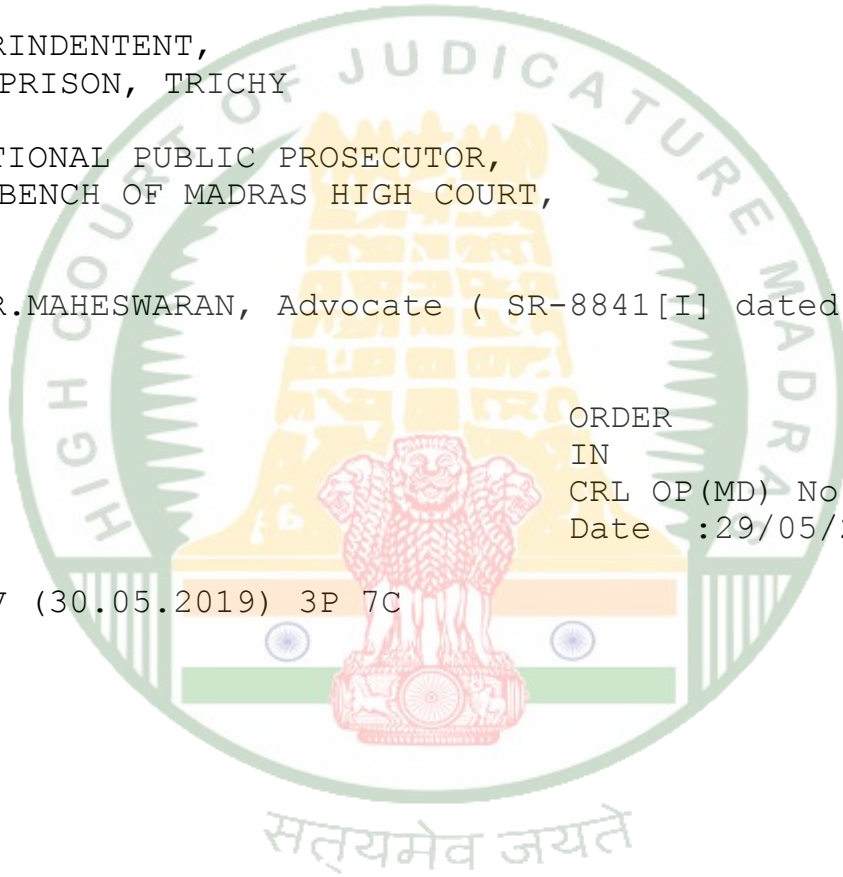
5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to MR.R.MAHESWARAN, Advocate (SR-8841[I] dated 29/05/2019)

ORDER
IN
CRL OP(MD) No.7469 of 2019
Date :29/05/2019

TA /MYR

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



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