

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.7497 of 2019

GIRI, ... PETITIONER / ACCUSED No.1

Vs

STATE THROUGH
THE INSPECTOR OF POLICE,
THANJAVUR TOWN EAST POLICE STATION,
THANAJVUR 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, who is arrayed as accused, was arrested and remanded to judicial custody on 10.05.2019 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.134 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 1/4 unit of 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 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. 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. Thereafter, custodial interrogation of the petitioner is not necessary for completing the investigation. However, considering the nature of offence committed by the petitioner, I am of the opinion that some stringent condition is 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 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.I, Thanjavur, without prejudice to his defence before the trial Court;

(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 stay at Kulithalai and report before the Inspector of Police, Town Police Station, Kulithalai, daily at 10.00 a.m., for a period of two weeks and thereafter, as and when required for interrogation;

(iv) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(v) 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 CHEIF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

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

4 THE INSPECTOR OF POLICE,
TOWN POLICE STATION,
KULITHALAI.

5 THE SUPERINDENTENT,
CENTRAL PRISON, TRICHY.

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

+1 CC to MR.R.MAHESWARAN, Advocate (SR-8842[I] dated 29/05/2019)

ORDER
IN

CRL OP(MD) No.7497 of 2019
Date :29/05/2019

dss/ksa

AE/MMS/SAR-IV (30.05.2019) 3P 8C

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