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EFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 12/06/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.8018 of 2019

Karthik ... Petitioner/Sole Accused

Vs

State rep by
The Inspector of Police,
Budalur Police Station,
Thanjavur District.
Crime No.80 of 2019. ... Respondent/Complainant

For Petitioner : M/s.S.Gopalamanikandan,
Advocate.
For Respondent :Mr.V.Neelakandan
Additional Public Prosecutor.

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

PRAYER :-

For bail petition in cr.no.80 of 2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

This petition has been filed by the Sole Accused seeking bail for the alleged offence punishable under Section 379 of IPC r/w. 21 (1) Mines and Minerals Act, 1957

2.Heard both sides.

3.The learned counsel for the petitioner has submitted that the petitioner is an innocent person and he has been falsely implicated the above case. He further submitted that the petitioner has been arrested by the respondent police on 30.05.2019 and from that day onwards, he is in custody and hence, he prayed to grant bail to the petitioner.

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4.The learned Additional Public Prosecutor appearing for the respondent police has submitted that the petitioner has illegally transported half unit of river sand and hence, he strongly opposed this petition. However he fairly conceded that no previous case is pending against the petitioner.

5.Taking into consideration of the fact that no previous case is pending against the petitioner and also the fact that the quantity of sand said to have been illegally transported is half unit and also the fact that the petitioner is in custody from 30.05.2019, this Court is inclined to grant bail to the petitioner by imposing conditions.

[a]the petitioner is ordered to be released on bail on his 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, Thanjavur District;

[b]the petitioner shall deposit a sum of Rs.7,500/- (Rupees Seven thousand and Five hundred only) to the credit of Crime No.80 of 2019 before the learned Judicial Magistrate, Thiruvaiyaru, Thanjavur District, without prejudice his defence before the trial Court;

[c] 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 the interrogation;

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
12/06/2019

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

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TO

1.The Judicial Magistrate,
Thiruvaiyaru, Thanjavur District

2.Do-Through The Chief Judicial Magistrate,
Thanjore District at Kumbakonam.

3.The Inspector of Police,
Budalur Police Station,
Thanjavur District.

4.The Superintendent, Central Prison,
Trichy.

5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1. C.C. to Mr.S.Gopalamanikandan Advocate SR.No.9524

ORDER
IN
CRL OP(MD) No.8018 of 2019
Date : 12/06/2019

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