



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 13/06/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.8175 of 2019

R.Udhayakumar

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Nadukaveri Police Station,
Thanjavur District.
(Crime No.78/2019)

... Respondent/Complainant

For Petitioner : M/s.G.Thalaimutharasu,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor.

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

PRAYER :-

For bail in Cr.No.78/2019 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 279, 337, 379 of IPC r/w Section 21(i) Mines and Minerals (Development and Regulation) Act, in Crime No. 78 of 2019.

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 in this case. He further submitted that as per the FIR, that the petitioner herein has illegally transported 1/2 unit of sand by using Mahindra Bolero Maxi Truck. He further submitted that the petitioner is not having any bad antecedents and hence, he prayed for grant of anticipatory bail to the petitioner.

4.Per contra, the learned Additional Public Prosecutor appearing for the respondent has submitted that he has transported 1/2 unit of sand without any valid permission. However, he fairly



conceded that no similar type of 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 and also the fact that the petitioner is in custody from 26.05.2019, this Court is inclined to grant bail to the petitioner by imposing conditions.

[i] 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;

[ii] 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;

[iii] 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;

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

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

[vi] 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].

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

sd/-
13/06/2019

/ TRUE COPY /

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

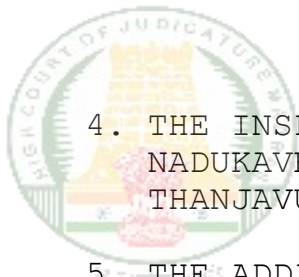
TO

1. THE JUDICIAL MAGISTRATE, THIRUVAIYARU.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

<https://hcservices.ecourts.gov.in/hcservices/>

3. THE SUPERINTENDENT, CENTRAL JAIL, TRICHY.



4. THE INSPECTOR OF POLICE,
NADUKAVERI POLICE STATION,
THANJAVUR DISTRICT.

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

+1. CC to Mr.G.THALAIMUTHARASU Advocate SR.No.9581

ORDER

IN

CRL OP (MD) No.8175 of 2019

Date :13/06/2019

MS/VR/SAR-3/13.06.2019/3P.7C