



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 28/06/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.9148 of 2019

Mukaiyan

... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
East Police Station,
Thanjavur District.
Crime No.168 of 2019.

... Respondent/Complainant

For Petitioner : M/s.R.Maheswaran,
Advocate.

For Respondent : A.P.G.Ohm Chairma Prabhu,
Govt.Advocate (Crl.Side).

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

PRAYER :-

For bail petition in cr.no.168 of 2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

This petition has been filed by the petitioner/ accused no.1 seeking bail for the alleged offence punishable under Section 379 of IPC r/w. 21(1) Mines and Minerals (Development and Regulation) 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 in the above case. He further submitted that the petitioner was arrested by the respondent police on 18.06.2019 and from that day onwards, he is in custody and hence, he prayed to grant bail to the petitioner.

4.The learned Government Advocate(Crl.Side) appearing for the respondent police has submitted that the petitioner has illegally transported quarter 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 quarter unit and also the fact that the petitioner is in custody from 18.06.2019, 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 Judicial Magistrate No.I, Thanjavur.

[b] the petitioner shall report before the Respondent Police, daily at 10.30A.M for a period of One Month and thereafter, as and when required for the interrogation.

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

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

[e] 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].

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

sd/-

28/06/2019

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

TO

1. THE JUDICIAL MAGISTRATE NO.I, THANJAVUR.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE OFFICER INCHARGE, SUB JAIL, PAPANASAM.
4. THE INSPECTOR OF POLICE,
EAST POLICE STATION, THANJAVUR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.R.MAHESWARAN Advocate SR.No.10717

ORDER IN

CRL OP(MD) No.9148 of 2019

Date :28/06/2019