



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.10574 of 2019

P.Anand

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Patteeswaram Police Station,
Thanjavur District.
Crime No.93 of 2019

... Respondent/Complainant

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

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

PRAYER :-

For Bail in Crime No. 93 of 2019 on the file of the Respondent Police.

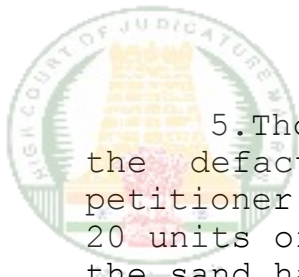
ORDER : The Court Made the following order :-

This petition has been filed by the petitioner/ sole accused seeking bail for the alleged offence punishable under Section 379 of IPC r/w. 21(4) 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 24.06.2019 and from that date onwards, he is in custody and hence, he prayed to grant bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent police has submitted that the petitioner has illegally heaped 20 units of river sand and hence, he strongly opposed this petition. However he fairly conceded that no previous case is pending against the petitioner.



5. Though in the statement recorded under Section 161 Cr.P.C the defacto complainant has stated that in the riverbed the petitioner herein has taken sand by using Hitachi vehicle and heaped 20 units of sand, in the First Information Report, it is stated that the sand has been taken in S.No.46-1B-1C. Further quantity also not mentioned. Taking into consideration of the aforesaid facts and also the fact that the petitioner is in custody from 24.06.2019, 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, Kumbakonam, Thanjavur District.

[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/-

29/07/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, KUMBAKONAM, THANJAVUR DISTRICT.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
 3. THE OFFICER INCHARGE, SUB JAIL, KUMBAKONAM, THANJAVUR DISTRICT.
 4. THE INSPECTOR OF POLICE,
PATTEESWARAM POLICE STATION, THANJAVUR DISTRICT,
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.K.MAHALAKSHMI Advocate SR.No.12409

ORDER IN

CRL OP(MD) No.10574 of 2019

Date :29/07/2019