



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/07/2019

WEB COPY

PRESENT

The Hon'ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.10768 of 2019

Viswanathan

... Petitioner/Sole Accused

Vs

The State Rep.by its
The Inspector of Police,
Nadukaveri Police Station,
Thanjavur District.
Crime No. 123 of 2019.

... Respondent/Complainant

For Petitioner : M/s.P.Surliraja,
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.123 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 Section 21(1) of Mines and Minerals (Development and Regulation Act), 1957, in Crime No.123 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 the above case. He further submitted that the petitioner was arrested by the respondent police on 17.07.2019 and from that day 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 transported quarter unit of river sand by bullock cart 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 17.07.2019, 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 report before the Respondent Police, daily at 10.30 A.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/-
30/07/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE,
THIRUVAIYARU, THANJAVUR DISTRICT.



2. THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

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

4. THE OFFICER INCHARGE,
SUB JAIL, PAPANASAM, THANJAVUR DISTRICT.

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

+1. CC to Mr.P.SURLIRAJA Advocate SR.No.12530

ORDER
IN
CRL OP(MD) No.10768 of 2019
Date : 30/07/2019

vsg
TK/PN/SAR.4/30.07.2019/3P/7C