



WEB COPY

CRL OP(MD). No.12128 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/08/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.12128 of 2019

Kumaresan

... Petitioner/Accused
Rank Not Known

Vs

State rep.by
The Inspector of Police,
Thiruvonam Police Station,
Thanjavur District.
Crime No.115 of 2019

... Respondent/Complainant

For Petitioner : M/s.K.M.Karunakaran, 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. 115 of 2019 on the file of the
Respondent Police.

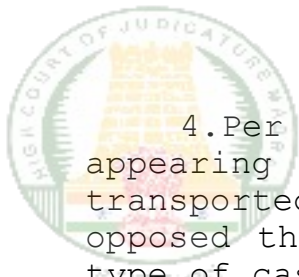
ORDER

This petition has been filed by the Accused seeking bail for the alleged offence punishable under Section 379 of IPC read with 21 (1) of Mines and Minerals Act, 1957, in Crime No.115 of 2019.

2.Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that as per the FIR, that the petitioner herein has illegally transported 2 units of river sand. He further submitted that the petitioner is not having any bad antecedents. He further submitted that the petitioner is in custody from 19.08.2019, and hence, he prayed for grant of bail to the petitioner.

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



4.Per contra, the learned Additional Public Prosecutor appearing for the respondent has submitted that the petitioner has transported 2 units of sand without any valid permission. Hence, he opposed this petition. 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 fact that he is in custody from 19.08.2019, this Court is inclined to grant bail to the petitioner with certain 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 District Munsif cum Judicial Magistrate, Orathanadu, Thanjavur District;

[b] the petitioner shall report before the respondent police daily at 10.00.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/-
29/08/2019

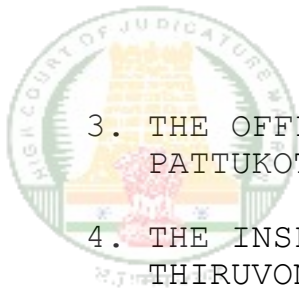
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
ORATHANADU, THANJAVUR DISTRICT.

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



3. THE OFFICER INCHARGE, SUB JAIL,
PATTUKOTTAI.

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

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

+1. CC to M/S.K.M.KARUNAKARAN Advocate SR.No.14300

ORDER

IN

CRL OP(MD) No.12128 of 2019

Date :29/08/2019

MS/VR/SAR-1/29.08.2019/3P.7C