

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 05/09/2019

PRESENT

The Hon'ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD). No.12405 of 2019

Mariappan @ Sarkkarai

... Petitioner/Accused

Vs

State Represented by
Inspector of Police,
Thiruvidaimaruthur Police Station,
Thanjavur District.
Crime No.136 of 2019.

... Respondent/Complainant

For Petitioner : M/s.R.Senthil Kumar,
Advocate.

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

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

PRAYER :-

For Bail in Crime No.136 of 2019 on the file of the respondent

ORDER : The Court made the following order :-

The petitioner is in custody since 23.08.2019, for the offence under Section 379 of I.P.C. r/w. 21(1) of Mines and Minerals Act, 1957.

2.The quantity involved is 1 ½ units of river sand. They were being transported in TATA Ace.

3.The learned Government Advocate (Crl. Side) submitted that there is no previous case against the petitioners.

4.Taking note of the facts and circumstances of the case, this Court is inclined to enlarge the petitioner on bail with certain conditions. Accordingly, the petitioner is ordered to be released on bail, subject to the following 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) and two sureties each for a like sum to the satisfaction of the

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Judicial Magistrate No.II, Thiruvidadaimaruthur.

[b] the petitioner shall report before the respondent police 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/-
05/09/2019

/ TRUE COPY /

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

TO

1 JUDIDICAL MAGISTRATE NO.II, THIRUVIDAIMARUTHUR

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

3 THE OFFICER INCHARGE, SUB JAIL, THIRUVIDAIMARUTHUR.

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

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

+1. CC to M/S.R.SENTHIL KUMAR Advocate SR.No.14872

ORDER IN
CRL OP(MD) No.12405 of 2019
Date :05/09/2019

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