



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

Date : 03/02/2020

PRESENT

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

CRL OP(MD). No.1770 of 2020

Sulaiman

... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
Ammapettai Police Station,
Thanjavur District.
(Crime No.31/2020).

... Respondent/Complainant

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

For Respondent : Mr.A.Robinson,

Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No. 31/2020 on the file of the Respondent Police.

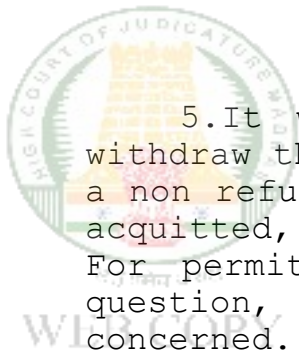
ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioner is in custody since 23.01.2020 for the offences punishable under section 379 of I.P.C., and Section 21(4) of Mines and Minerals (Development and Regulations) Act, 1957 and Section 3(1) of TNPPDL Act, in Crime No.31 of 2020 on the file of the respondent police. He seeks bail.

3. The petitioner had driven the vehicle that was engaged in illegal transportation of sand. The petitioner is said to have hit an electric pole causing damage. The value of the damage is said to be around Rs.18,000/- .

4.The petitioner's counsel, on instructions, states that the petitioner will deposit a sum of Rs.18,000/- to the credit of the Crime No.31 of 2020 before the jurisdictional Magistrate.



5.It will be open to the concerned authority / TANGEDCO to withdraw the said amount. The deposit made by the petitioner will be a non refundable payment. In other words, even if the petitioner is acquitted, the question of refunding the amount will not arise. For permitting the authority/TANGEDCO to withdraw the amount in question, the petitioner need not be put on notice by the Court concerned.

6.Subject to this condition, bail is granted. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions;

(i) the petitioner shall execute 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, Papanasam.

(ii) the petitioner is directed to appear before the respondent police as and when required for the interrogation.

(iii) 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].

sd/-
03/02/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE, PAPANASAM.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE OFFICER INCHARGE, SUB JAIL, PAPANASAM.
4. THE INSPECTOR OF POLICE,
AMMAPETTAI POLICE STATION, THANJAVUR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.MAHESWARAN, Advocate (SR-2126[I] dated 03/02/2020)

ORDER

IN

CRL OP(MD) No.1770 of 2020

Date :03/02/2020