



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

Date : 14/02/2020

PRESENT

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

CRL OP(MD). No.1822 of 2020

Anis ... Petitioner/Accused No.2

Vs

The State rep.by
The Inspector of Police,
Vallam Police Station,
Thanjavur District.
Crime No.11 of 2020

... Respondent/Complainant

For Petitioner : M/s.K.M.Karunakaran,
Advocate.

For Respondent : Ms.M.Ananthadevi,
Government Advocate (Crl.Side)

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

PRAYER :-

for Bail in Crime No.11 of 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 22.01.2020 for the offences punishable under sections 430 and 379 of I.P.C., r/w Section 21(1)(5) of Mines and Minerals Act, 1957, in Crime No.11 of 2020 on the file of the respondent police. He seeks bail.

3. The learned Government Advocate (Crl.side) pointed out that six units of sand is involved in this case and that A1 driver has since escaped and is yet to be secured. The petitioner is not having any previous case.

4. I am of the view that the continued incarceration of the petitioner is not going to serve any purpose. He is only a cleaner and the petitioner's counsel states that he joined the employment only a few days back.



5. Taking note of the facts and circumstances of this case, I am 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;

WEB COPY

(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 No.2, Thanjavur District.

(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/-
14/02/2020

/ TRUE COPY /

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

TO

- 1.THE JUDICIAL MAGISTRATE NO II, THANJAVUR DISTRICT.
- 2.THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM
- 3.THE INSPECTOR OF POLICE,
VALLAM POLICE STATION, THANJAVUR DISTRICT.
- 4.THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.K.M.KARUNAKARAN Advocate SR.No.3109

ORDER
IN
CRL OP(MD) No.1822 of 2020
Date :14/02/2020

TK/PN/SAR.2/14.02.2020/2P/7C