



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/02/2020

WEB COPY

PRESENT

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

CRL OP(MD) . No.2369 of 2020

Murugan

... Petitioner/Sole Accused

Vs

State Rep.by
The Sub Inspector of Police,
Thriuvattur Police Station.
Crime No.25/2019.

... Respondent/Complainant

For Petitioner : M/s.B.Brijesh Kishore,
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.25 of 2019 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 facing trial in C.C.No.340 of 2019 on the file of the learned Judicial Magistrate No.II, Padmanabhapuram, for the offences under Section 379 of I.P.C. and Sections 21(1), 21(2) and 21(4) (a) of Mines and Minerals (Development and Regulation) Act.

3. The petitioner was absent before the Court below on 20.12.2019. Hence, NBW was issued against the petitioner and he was secured on 22.01.2020. Hence, he seeks bail.

4. The petitioner's counsel gives an undertaking that the petitioner will attend all the future hearing without any default. If he is unable to appear, his counsel will represent him and file a petition under Section 317 of Cr.P.C. On account of the petitioner,



the trial will not be stalled henceforth. If this undertaking is breached, the order now passed will stand automatically vacated and the petitioner will be remanded to custody.

5. Recording the same, 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;

(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 Judicial Magistrate No.II, Padmanabhapuram.

(ii) 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/-
11/02/2020

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

TO

1. THE JUDICIAL MAGISTRATE NO.II, PADMANABHAPURAM.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE OFFICER INCHARGE, DISTRICT JAIL, NAGERCOIL,
KANYAKUMARI DISTRICT.
4. THE SUB INSPECTOR OF POLICE,
THRIUVATTUR POLICE STATION.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.B.BRIJESH KISHORE, Advocate (SR-2831[I] dated 11/02/2020)

ORDER
IN
CRL OP(MD) No.2369 of 2020
Date :11/02/2020

MS/PN/SAR-1/11.02.2020/2P.7C