



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/03/2020

WEB COPY

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.4011 of 2020

Raja ... Petitioner/Sole Accused

Vs

State rep.by
The Inspector of Police,
Swamimalai Police Station,
Thanjavur District.
Crime No.32 of 2020.

... Respondent/Complainant

For Petitioner : M/s.U.Umamaheswaran,
Advocate.

For Respondent : Mr.R.Anandharaj,
Additional Public Prosecutor

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

PRAYER :-

For Bail in crime No.32 of 2020, on the file of the Respondent Police.

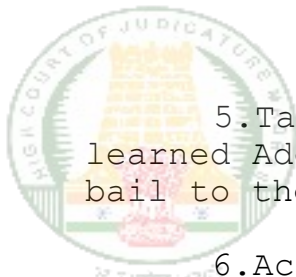
ORDER : The Court made the following order :-

This petition has been filed by the petitioner/ sole accused seeking bail for the alleged offence punishable under Sections 379 of IPC r/w. 21(4) Mines and Minerals (Development and Regulation) Act, 1957.

2.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the State.

3.The case of the prosecution is that the petitioner was illicitly transporting ¼ unit of river sand was apprehended along with the bullock cart.

4.The learned Additional Public Prosecutor appearing for the State would submit that the quantity of sand involved is ¼ unit and the same was recovered by the respondent police.



5. Taking note of the fact and the submission made by the learned Additional Public Prosecutor this Court is inclined to grant bail to the petitioner by imposing conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.1,00,000/- (Rupees One lakh only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Kumbakonam, Thanjavur District;

[a] the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

[b] the petitioner shall deposit a sum of Rs.20,000/- (Rupees Twenty thousand only) to the credit of Crime No.32 of 2020 before the learned Judicial Magistrate No.II, Kumbakonam, Thanjavur District, without prejudice his defence before the trial Court;

[c] the petitioner shall report before the respondent police as and when required for interrogation.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
03/03/2020

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

+1 CC to M/s.U.UMA MAHESWARAN, Advocate (SR-4668[I] dated
03/03/2020)

ORDER
IN
CRL OP(MD) No.4011 of 2020
Date :03/03/2020

MS/VR/SAR-4/03.03.2020/3P.7C