



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/03/2020

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PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD). No.4028 of 2020

Rajarajacholan

... Petitioner/Accused No.1

Vs

State through
The Inspector of Police,
Kallaperampur Police Station,
Thanjavur District.
[Cr.No.19 of 2020]

... Respondent/Complainant

For Petitioner : Mr.R.Maheswaran,
Advocate.

For Respondent : R.Anandharaj,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.19 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

This petition has been filed by the petitioner/ Accused No.1 seeking bail for the alleged offence punishable under Section 379 of IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957.

2. The petitioner was found in possession of 1 ½ units of illegally mined river sand and transported the same in a Tata Lorry bearing Registration No.TN-28-J-2872. The petitioner, who is arrayed as A1, is the driver of the vehicle. The owner of the vehicle, who is arrayed as A2, fled away from the scene of occurrence immediately on seeing the respondent police and he is still absconding and yet to be secured. In the said circumstances, the petitioner/A1 has filed this petition on the ground that since from 19.02.2020 he is in jail and he was not aware of the fact that the owner/A2 had no valid permit for transporting the river sand. Further, the petitioner would contend that the marriage of his

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male member of the family, his presence is required during the marriage ceremony.

3. Taking note of the above submissions, this Court is inclined to grant bail to the petitioner by imposing conditions.

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4. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Thanjavur; and on further condition that,

[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.60,000/- (Rupees Sixty Thousand only) to the credit of Crime No.19 of 2020 before the learned Judicial Magistrate No.II, Thanjavur, without prejudice to 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/-

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



TO

1. THE JUDICIAL MAGISTRATE NO.II, THANJAVUR.

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

3. THE OFFICER INCHARGE, SUB JAIL, THANJAVUR.

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

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

+1 CC to M/s.R.MAHESWARAN, Advocate (SR-4696[I] dated 03/03/2020)

ORDER

IN

CRL OP(MD) No.4028 of 2020

Date :03/03/2020

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