



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/03/2020

WEB COPY

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.4063 of 2020

Muthusamy ... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Thiruvonam Police Station,
Thanjavur District.
Crime No.23/2020.

... Respondent/Complainant

For Petitioner : M/s.T.A.Ebenezer,
Advocate.

For Respondent : Mr.S.Chandrasekar,
Additional Public Prosecutor

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

PRAYER :-

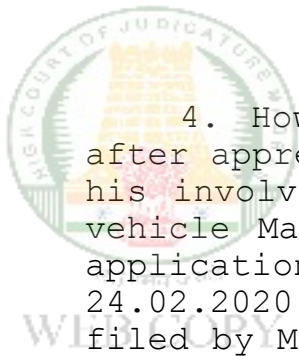
for bail in Crime No. 23 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

This petition has been filed by the petitioner/ accused seeking bail for the alleged offence punishable under Sections 379 of IPC r/w. 21(1) Mines and Minerals (Development and Regulation) Act, 1957

2. The case of the prosecution is that the petitioner herein who was driver of the lorry bearing Reg.No.TN 23 AX 2373 was apprehend while he was transporting two units of river sand. The owner of the lorry Mathikumar and his brother Madhavan have fled away from the scene of occurrence who was also accompanying the petitioner herein while illegally transporting river sand.

3. According to the petitioner the petitioner is not involved in the offence and the parked lorry was seized by the police and he was falsely implicated in the above case.



4. However on perusal of the CD files this Court finds that after apprehending the present petitioner he has given confession of his involvement in the crime and also implicating the owner of the vehicle Mathikumar and his brother Mathavan. The anticipatory bail application filed by Mathavan was granted by this Court on 24.02.2020 on condition whereas the anticipatory bail application filed by Mathikumar was dismissed due to his bad antecedent. As far as this petitioner is concerned there is no previous case.

5. This Court finds that the petitioner herein was employed in a college as driver and while he left to his native place he got involvement in the said crime. The act of the petitioner mining illegally natural resource namely the river sand cannot be entertained. However to face the trial, 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.50,000/- (Rupees Fifty Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Orathanadu;

[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.80,000/- (Rupees Eighty Thousand only) to the credit of Crime No.23 of 2020 before the learned Judicial Magistrate, Orathanadu, 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/-
04/03/2020

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



TO

1. THE JUDICIAL MAGISTRATE, ORATHANADU.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
 3. THE OFFICER INCHARGE, SUB JAIL, PATTUKOTTAI.
 4. THE INSPECTOR OF POLICE,
THIRUVONAM POLICE STATION, THANJAVUR DISTRICT.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.T.A.EBENEZER, Advocate (SR-4760[I] dated 04/03/2020)

ORDER
IN
CRL OP(MD) No.4063 of 2020
Date :04/03/2020

MS/VR/SAR-1/04.03.2020/3P.7C