



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/03/2020

WEB COPY

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.4529 of 2020

MATHIYALAGAN

... PETITIONER/SOLE ACCUSED

VS

STATE REP. BY
THE INSPECTOR OF POLICE,
THIRUVAIYARU POLICE STATION,
THANJAVUR DISTRICT.
CRIME NO.59 OF 2020.

... RESPONDENT/COMPLAINANT

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

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

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

PRAYER :-

To enlarge the petitioner on bail in connection with the Cr.No.59 of 2020 on the file of the respondent police and pass such other orders as this Honble Court.

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 was illicitly transporting $\frac{1}{4}$ unit of river sand in a bullock cart.

3. The petitioner was in incarceration from 03.03.2020. Being the first time offender he seeks bail since he is in jail for the past 10 days.



4. The learned Additional Public Prosecutor appearing for the State would submit that the petitioner was caught red handed while transporting river sand illegally. Since illicit sand mining has become rampant in Thanjavur District, taking note of the factual circumstances the learned Magistrate had dismissed the petition. There is no change in the facts and circumstances of the case to entertain the petition.

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, Thiruvaiyaru, Thanjavur District;

[a] 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.59 of 2020 before the learned Judicial Magistrate, Thiruvaiyaru, 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/-
13/03/2020

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



TO

1 THE JUDICIAL MAGISTRATE,
THIRUVAIYARU, THANJAVUR DISTRICT.

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

3 THE INSPECTOR OF POLICE
THIRUVAIYARU POLICE STATION,
THANJAVUR DISTRICT.

4 THE OFFICER INCHARGE,
SUBJAIL, PAPANASAM.

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

+1 CC to M/s.K.M.KARUNAKARAN, Advocate (SR-5252[I] dated 13/03/2020
)

ORDER

IN

CRL OP(MD) No.4529 of 2020

Date :13/03/2020

AAV

JM/PN/SAR 3/13.03.2020/3P/7C