



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/03/2020

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.4786 of 2020

Ranjith Kumar

... Petitioner/Accused No.1

Vs

State rep.by
The Inspector of Police,
Kumbakonam East Police Station,
Kumbakonam, Thanjavur District.
Crime No.40/2020.

... Respondent/Complainant

For Petitioner : M/s.A.Thiruvadi Kumar,
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. 40 of 2020 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 Additional Public Prosecutor appearing for the respondent.

2. The petitioner is arrayed as Accused No.1. He was arrested and remanded to Judicial Custody on 19.02.2020 for the offences punishable under sections 379 of IPC r/w Section 21(4) of Mines and Minerals (Devlopment and Regulation) Act, 1957, in Crime No.40 of 2020 on the file of the respondent police. He seeks bail.

3.The petitioner herein is the driver of the vehicle bearing Registration No.TN 68 U 9549, which was carrying half unit of river sand without permit. The owner of the vehicle is still at large, though the vehicle has been seized by the respondent police. The petitioner has been arrested on 19.02.2020, for the past 30 days he is in prison.



4. Taking note of the fact that the owner of the vehicle is still at large and unless and until he has secured, there can be no progress in the investigation, 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;

(a) the petitioner is directed to deposit a sum of Rs.40,000/- (Rupees Forty Thousand only) as non refundable deposit to the credit of the concerned District Mineral Foundation Trust, without prejudice to his rights and contentions before the trial Court.

(b) On such deposit, the petitioner shall execute 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.1, Kumbakonam.

(c) 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;

(d) the petitioner shall report before the respondent police daily at 10.30 a.m until further orders.

(e) the petitioner shall not abscond either during investigation or trial.

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(g) 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].

(h) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
18/03/2020

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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.I, KUMBAKONAM.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE SUPERINTENDENT,CENTRAL PRISON,
TIRUCHIRAPPALLI.
4. THE INSPECTOR OF POLICE,
KUMBAKONAM EAST POLICE STATION,
KUMBAKONAM, THANJAVUR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE OFFICER INCHARGE,
DISTRICT MINERAL FOUNDATION TRUST,
THANJAVUR DISTRICT.

+1 CC to M/s.A.THIRUVADIKUMAR, Advocate (SR-5448[I] dated
18/03/2020)

ORDER

IN

CRL OP(MD) No.4786 of 2020

Date :18/03/2020

MS/VR/SAR-1/18.03.2020/3P.8C