



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 15/04/2020

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.4942 of 2020

Maruthupandian

... Petitioner/Accused No.1

Vs

State rep by
The Inspector of Police,
Papanasam Police Station,
Thanjavur District,
Cr.No.55 of 2020.

... Respondent/Complainant

For Petitioner : M/s.G.Gomathi Sankar, Advocate.

For Respondent : Mr.S.Chandrasekar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.55 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

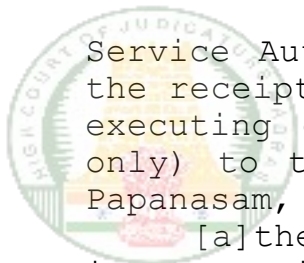
Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioner is arrayed as accused No.I. He was arrested and remanded to Judicial Custody on 03.03.2020 for the offences punishable under sections 379 of I.P.C., r/w Section 21(4) of Mines and Mineral Act, 1957 in Crime No.55 of 2020 on the file of the respondent police. He seeks bail.

3.The case of the prosecution is that the petitioner and other accused have illegally transported one unit of river sand in the petitioner's vehicle. Hence, the complaint.

4.The learned Additional Public Prosecutor would submit that the vehicle was seized by the respondent police. He would submit that bail may be granted by imposing stringent conditions.

5.Taking note of the facts and circumstances of this case, I am inclined to enlarge the petitioner on bail on condition that the petitioner shall deposit a sum of Rs.25,000/- to the Taluk Legal



Service Authority, Papanasam, Thanjavur District. On production of the receipt, the petitioner is ordered to be released on bail on his executing own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the Prison Superintendent, Sub Jail, Papanasam, Thanjavur District and on further condition that,

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

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

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

[d] 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].

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

sd/-

15/04/2020

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

TO

- 1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE COURT, PAPANASAM, THANJAVUR DISTRICT.
- 2 -DO-THRO THE CHIEF JUDICIAL MAGISTRARE, THANJAVUR AT KUMBAKONAM
- 3 THE OFFICER-IN-CHARGE SUB JAIL, PAPANASAM, THANJAVUR DISTRICT.
- 4 THE INSPECTOR OF POLICE PAPANASAM POLICE STATION, THANJAVUR DISTRICT
- 5 THE ADDL. PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT MADURAI.
6. The Officer Incharge,
Legal Service Authority, Papanasam, Thanjavur District.

ORDER

IN

CRL OP(MD) No.4942 of 2020

Date :15/04/2020