



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 19/03/2020

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD). No.4943 of 2020

RAJASEKAR

... PETITIONER/ACCUSED

VS

STATE REP. BY
THE INSPECTOR OF POLICE,
PAPANASAM POLICE STATION,
THANJAVUR DISTRICT.
CRIME NO.56 OF 2020.

... RESPONDENT/COMPLAINANT

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

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

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

PRAYER :-

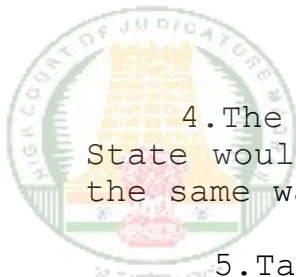
For Bail in Crime No.56 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner is arrayed as accused. 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 21(4) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No. 56 of 2020, on the file of the respondent police. He seeks bail.

2.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the State.

3.The case of the prosecution is that the petitioner on 03.03.2020 illicitly transporting ¼ unit of river sand so was apprehended along with the bullock cart and arrested.



4.The learned Additional Public Prosecutor appearing for the State would submit that the quantity of sand involved is $\frac{1}{4}$ unit and the same was recovered by the respondent police.

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.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned District Munsif-cum-Judicial Magistrate Court, Papanasam, 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) 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 ;

[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.

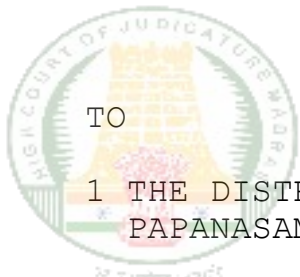
[f]On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down 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/-
19/03/2020

/ TRUE COPY /

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



TO

1 THE DISTRICT MUNSIF-CUM-JUDICIAL MAGISTRATE,
PAPANASAM, THANJAVUR DT.

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

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

4 THE OFFICER INCHARGE,
SUB JAIL, PAPANASAM,
THANJAVUR DISTRICT.

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

+1 CC to M/s.G.GOMATHI SANKAR, Advocate (SR-5526[I] dated
19/03/2020)

COPY TO:

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

ORDER

IN

CRL OP(MD) No.4943 of 2020

Date :19/03/2020

SJI

JM/PN/SAR 4/19.03.2020/3P/8C