



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

Monday, the Twentieth day of April Two Thousand Twenty

PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN

CRL OP(MD) No.5256 of 2020

ARAVINTH

... PETITIONER

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
BHOODHALUR POLICE STATION,
THANJAVUR DISTRICT. CR.NO.33 OF 2020.

... RESPONDENT

For Petitioner : M/S.A.SIVASUBRAMANIAN Advocate

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

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

ORDER : The Court Made the following order :-

The petitioner is arrayed as first accused, who was arrested and remanded to judicial custody on 19.02.2020 for the alleged offences punishable under Section 379 IPC r/w 21(4) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.33 of 2020, on the file of the respondent police and hence, seeks bail.

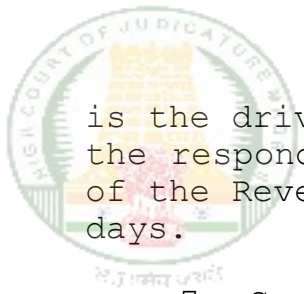
2.The case of the prosecution is that the petitioner has committed theft of ½ unit of sand in Bolero Maxi Truck.

3.The learned counsel for the petitioner submitted that the petitioner is the driver of the vehicle and he is no way connected with the crime and he is in judicial custody from 19.02.2020 and therefore, bail may be granted to the petitioner.

4. The learned Additional Public Prosecutor submitted that the second accused is still absconding and if the petitioner releases on bail, he would hamper the witnesses. Hence, the learned Additional Public Prosecutor opposed for granting bail to the petitioner.

5. I have heard both sides and perused the records.

6.It is seen that the petitioner was arrayed as the first accused and he was arrested on 19.02.2020 itself and the petitioner



is the driver of the Bolero Maxi Truck and the vehicle was seized by the respondent police with the sand and the same are in the custody of the Revenue Department. The petitioner has been in custody for 60 days.

7. Considering the above facts and circumstances of the case, this Court is 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:

(i) The respondent police shall take steps to take Coronova Virus Test through Rapid Test Kits and after obtaining the Certificate certifying that the petitioner is not affected by Corona Virus, he shall be released. If he is affected by Corona Virus, he shall be kept under quarantine as per the directions of the Health Department.

(ii) the petitioner shall execute a personal bond for a sum of Rs.50,000/- (Rupees fifty thousand only) to the satisfaction of the learned Judicial Magistrate, Thiruvaiyaru.

(iii) the petitioner shall report before the respondent police as and when required.

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

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

(vi) 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]**.

8. The Inspector of Police concerned is directed to send a compliance report to the office of the learned Additional Public Prosecutor, as to whether the petitioner is complying with the condition or not.

sd/-
20/04/2020

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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,

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

3 THE OFFICER INCHARGE,
SUB JAIL, BABANASAM

4 THE INSPECTOR OF POLICE,
BHOODHALUR POLICE STATION,
THANJAVUR DISTRICT.

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

ORDER

IN

CRL OP(MD) No.5256 of 2020

Date :20/04/2020

SDS (20.04.2020) 3P-6C