



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/06/2020

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PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.6382 of 2020

M.Uthayakumar

... Petitioner/Sole Accused

Vs

The State rep. by
The Inspector of Police,
Pattukottai Town Police Station,
Thanjavur District.
(Cr.No.1308 of 2019)

... Respondent/Complainant

For Petitioner : M/s.A.Arunprasad,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

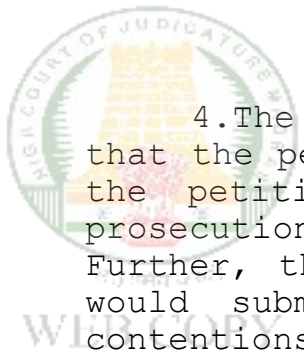
For Bail in Crime No.1308 of 2019 on the file of the respondent police.

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 sol accused. He was arrested and remanded to Judicial Custody on 08.06.2020, for the offences punishable under Section 379 of IPC r/w 21(1) of Mines and Minerals Act 1957, in Crime No.1308 of 2020, on the file of the respondent police. He seeks bail.

3.The case of the prosecution is that based on the secret information, the respondent police conducted vehicle check up and found that the petitioner has carrying half unit of river sand by using the Bolero, and also arrested the petitioner in the spot. Hence, the complaint.



4.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he would further submit that the petitioner did not commit any offence as alleged by the prosecution and he has been falsely implicated in this case. Further, the learned counsel, on instructions from the petitioner, would submit that without any prejudice to his rights and contentions, the petitioner is ready to pay a sum of Rs.30,000/- (Rupees Thirty Thousand Only), as non-refundable compensation, by way of Demand Draft, in favour of 'The Dean, Thanjavur Medical College Hospital, Thanjavur', for the purpose of providing facilities to the Health workers.

5.The learned Government Advocate (crl.side) appearing for the State, on instructions, would submit that when the respondent police conducted vehicle check up, found the petitioner carrying half unit of river sand in Bolera Ace and arrested the petitioner. He would further submit that investigation is almost completed.

6.Considering the facts and circumstances of the case and also considering the fact that the petitioner is in judicial custody from 08.06.2020, I am inclined to grant bail to the petitioner, subject to certain conditions;

(i) Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate, Pattukottai.

(ii) The petitioner is directed to pay a sum of Rs.30,000/- (Rupees Thirty Thousand Only), by way of Demand Draft, in favour of 'The Dean, Thanjavur Medical College Hospital, Thanjavur', on or before 30.06.2020, for the purpose of providing facilities to the Health workers, as non-refundable compensation, without prejudice his rights, since the Health workers put their lives at risk every day and play a critical role in preventing the spread of COVID-19 Pandemic;

(iii) The sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(iv) The petitioner shall report before the respondent Police daily at 10.00 a.m., for a period of two weeks and thereafter, as and when required, for interrogation.

(v)The petitioner shall not tamper with evidence or witness either during investigation or trial;

(vi)The petitioner shall not abscond either during investigation or trial;

(vii)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

<https://hcservices.courtsofindia.org/> 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]***; and;

(viii)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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

TO

- 1 THE JUDICIAL MAGISTRATE,
PATTUKOTTAI.
- 2 -DO- THRO
THE CHEIF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE
PATTUKOTTAI TOWN POLICE STATION,
THANJAVUR DISTRICT
- 4 THE OFFICER INCHARGE
SUB JAIL,
PAPANASAM.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO
THE DEAN,
THANJAVUR MEDICAL COLLEGE HOSPITAL,
THANJAVUR.

ORDER
IN
CRL OP(MD) No.6382 of 2020
Date :19/06/2020

PD/VR/SAR 3/19.06.2020/3P/7C

<https://hcservices.ecourts.gov.in/hcservices/>