



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/06/2020

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PRESENT

The Hon'ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.6789 of 2020

Prasad

... Petitioner/Sole Accused

Vs

The State rep. by,
The Inspector of Police,
Ammapettai Police Station,
Tanjore District.
Crime No.771/2020.

... Respondent/Respondent

For Petitioner : M/s. P.Edinbrough,
Advocate.

For Respondent : Mr.R.Anandharaj,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No. 771/2020 on the file of the Respondent police.

ORDER : The Court made the following order :-

This petition has been filed by the petitioner/ accused seeking bail for the alleged offence punishable under Sections 379 of IPC r/w.Section 21(4) of Mines and Minerals (Development and Regulation) Act.

2. The case of the prosecution is that on 17.06.2020 during the lock down period the petitioner has illegally transported ½ unit of river sand in his Tata Ace bearing Reg. No. TN 55 H 3766 without any valid permission.

3. The petitioner was in incarceration from 17.06.2020. Being the first time offender he seeks bail since he is in jail for the past 13 days.

4. The learned Additional Public Prosecutor appearing for the State would submit that during lockdown period petitioner has



illegally transported ½ unit of river sand without any valid permission.

5. Considering the nature of the offence and quantity of sand involved, this Court is inclined to grant bail to the petitioner.

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6. Accordingly, the petitioner is ordered to be released on bail on his executing 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 District Munsif cum Judicial Magistrate Court, Papanasam, Thanjavur District.

i) 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.

ii) the petitioner shall make a non refundable deposit of **Rs.40,000/- (Rupees Forty thousand only)** to the credit of the Chairman/District Collector, District Mineral Foundation Trust of the concerned District, without prejudice and subject to the outcome of trial before the trial Court and thereafter, the learned Judicial Magistrate shall accept the sureties furnished by the petitioner

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

iv) the petitioner shall not tamper with evidence or witness.

v) the petitioner shall not abscond during trial.

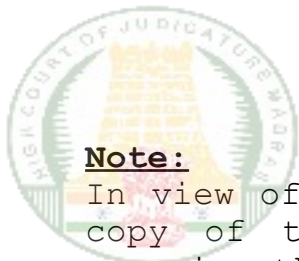
vi) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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

sd/-
29/06/2020

/ TRUE COPY /

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



Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

TO

- 1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
PAPANASAM,
THANJAVUR DISTRICT.
- 2 DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE CHAIRMAN/DISTRICT COLLECTOR,
DISTRICT MINERAL FOUNDATION TRUST,
THANJAVUR.
- 4 THE OFFICER INCHARGE,
SUBJAIL,
THANJAVUR.
- 5 THE INSPECTOR OF POLICE,
AMMAPETTAI POLICE STATION,
TANJORE DISTRICT.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.6789 of 2020
Date :29/06/2020

AAV
SRS/ JC/ SAR-III/ 29.06.2020/ 3P/7C