



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

Date : 30/07/2020

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PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP (MD) . No.7574 of 2020

Ganesan

... Petitioner/Sole Accused

Vs

The State rep. by
The Inspector of Police,
Gudalur South Police Station,
Theni District
Crime No. 573 of 2020.

... Respondent/Complainant

For Petitioner : M/s.S.Sundarapandian,
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. 573 of 2020 on the file of the
Respondent Police

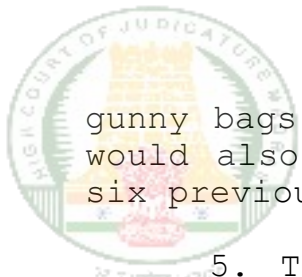
ORDER : The Court made the following order :-

The petitioner/ sole accused herein was arrested and remanded to Judicial Custody on 21.06.2020 for the offences punishable under Section 379 of I.P.C. r/w 21(1) of Mines and Minerals (Development and Regulation) Act, 1957.

2. The case of the prosecution is that the petitioner was found in illegal possession of two gunny bags of river sand.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in the above case.

4. The learned Government Advocate(Crl.Side) appearing for the State would submit that the total quantity of sand involved is two



gunny bags and the same was recovered by the respondent police. He would also submit that the petitioner is a habitual offender and six previous cases are pending against him.

5. Taking into consideration the facts and circumstances of the case and also taking into consideration the period of incarceration and also taking into consideration the quantum of sand, 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 Judicial Magistrate, Uthamapalayam, Theni 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 report before the respondent police daily at 10.30 a.m until further orders.

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

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

[e] 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].

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

sd/-
30/07/2020

/ 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.

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TO

1. THE JUDICIAL MAGISTRATE,
UTHAMAPALAYAM,
THENI DISTRICT.
2. DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
3. THE OFFICER IN CHARGE,
DISTRICT JAIL,
THENI.
4. THE INSPECTOR OF POLICE,
GUDALUR SOUTH POLICE STATION,
THENI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.7574 of 2020
Date :30/07/2020

AV
SRS/ PN/ SAR-II/ 30.07.2020/ 3P/6C