



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/12/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice S.M.SUBRAMANIAM

CRL OP(MD). No.13584 of 2020

Suresh ... Petitioner/Accused

Vs

State Rep. by
The Inspector of Police,
Swamimalai Police Station,
Thanjavur District.
Crime No. 1126 of 2020.

... Respondent/Complainant

For Petitioner : M/s.R.Senthil Kumar,
Advocate.

For Respondent : M/s.M.Anantha Devi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.1126 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused herein was arrested and remanded to Judicial Custody on 31.10.2020 for the offences punishable under Sections 379 of I.P.C. and 21(4) of Mines and Minerals (Development and Regulation) Act.

2.The case of the prosecution is that the petitioner was found in illegal possession of ½ units 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 petitioner was found in illegal possession of ½ units of river sand. She would also submit that no previous case is pending against the petitioner.



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.20,000/-(Rupees Twenty Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Kumbakonam.

[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 appear before the respondent police every day twice morning at 10.00 am., and evening at 06.00 pm., for a period of four weeks and thereafter, the petitioner is directed to appear before the respondent police daily at 10.00 a.m. for a period of another two weeks and thereafter, as and when required for interrogation.

[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/-
02/12/2020

/ 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



TO

1 THE JUDICIAL MAGISTRATE NO.II,
KUMBAKONAM.

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

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

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

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

+1 CC to M/s.R.SENTHILKUMAR, Advocate (SR-7819[I] dated
02/12/2020)

ORDER

IN

CRL OP(MD) No.13584 of 2020

Date :02/12/2020

sj i

JM/PN/SAR III/02.12.2020/3P/7C