



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/12/2020

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PRESENT

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

CRL OP(MD). No.13589 of 2020

Suresh Kumar

... Petitioner/Accused No.1

Vs

State Rep. by
The Inspector of Police,
Thirupanandal Police Station
Thanjavur District.
Crime No. 1171/2020.

... Respondent/Complainant

For Petitioner : M/s.M.Karunanithi,
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. 1171 of 2020 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 A1. He was arrested and remanded to Judicial Custody on 15.10.2020 for the offences punishable under sections 379 of I.P.C., r/w Section 21(1) of Tamil Nadu Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.1171 of 2020 on the file of the respondent police. He seeks bail.

3.The case of the prosecution is that the petitioner and others have illegally transported half unit of river sand by using TATA ACE, without having valid permission.

4.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed



any offence as alleged by the prosecution and he has been falsely implicated in this case and hence, he seeks bail.

5.The learned Government Advocate(Crl.side) appearing for the State made a submission that totally there are two accused and the petitioner is the owner of the Vehicle and the co-accused viz.,A2 had already been released on bail.

6.Considering the submissions made on either side, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail and on executing a bond for a sum of Rs.10,000/-(Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Thiruvidadimaruthur, Thanjavur District.

[a] The petitioner and 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 every day morning at 10.00 a.m for a period of four weeks and thereafter, as and when required for interrogation.

[c] The petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] The petitioner shall not abscond either during investigation or trial.

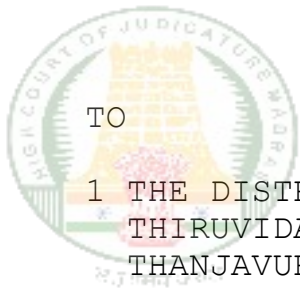
[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down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

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

sd/-
01/12/2020

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



TO

1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
THIRUVIDAIMARUTHUR,
THANJAVUR DISTRICT.

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

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

4 THE OFFICER INCHARGE,
SUB JAIL, THANJAVUR.

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

+1. C.C. to M/S.M.Karunanithi, Advocate SR.No. 7824

ORDER

IN

CRL OP(MD) No.13589 of 2020

Date :01/12/2020

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JM/PN/SAR II/01.12.2020/3P/7C