



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

Date : 30/12/2020

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.16067 of 2020

Mathivanan

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Swamimalai Police Station,
Thanjavur District.
Crime No.1260/2020

... Respondent/Complainant

For Petitioner : Mr.M.Chellapandian, Advocate for
Mr.K.M.Karunakaran, Advocate.

For Respondent : Mr.R.Erottuchamy,
Government Advocate (Crl.Side)

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

PRAYER :- For Bail in Crime No.1260 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 sole accused. He was arrested
and remanded to Judicial Custody on 15.12.2020 for the offences
punishable under section 379 of I.P.C. r/w. Section 21(4) of Tamil
Nadu Mines and Minerals (Development and Regulation) Act, 1957, in
Crime No.1260 of 2020 on the file of the respondent police. He seeks
bail.

3. The case of the prosecution is that the petitioner is said to
have committed theft of three bags of river sand by using two
wheeler. Hence, the case.

4. The learned Government Advocate (Crl. Side) appearing for
the respondent police submitted that the petitioner is not having
any previous case in similar nature.



5. Considering the period of judicial custody and the petitioner is not having any previous case in similar nature, I am inclined to enlarge the petitioner on bail with certain 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, out of which one shall be a blood related surety, 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 report before the respondent police daily at 10.30 a.m for a period of 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/-
30/12/2020

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/ /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 JUDICIAL MAGISTRATE NO.II, KUMBAKONAM.

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

3 THE OFFICER INCHARGE, SUB JAIL,
KUMBAKONAM.

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

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

ORDER

IN

CRL OP(MD) No.16067 of 2020

Date :30/12/2020

MS/SMA/SAR-3/30.12.2020/3P.6C