



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.16037 of 2020

Mahesh

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Ammapettai Police Station,
Thanjavur District.
Crime No.1225 of 2020.

... Respondent/Complainant

For Petitioner : 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. 1225 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 03.10.2020 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.1225 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 quarter ($\frac{1}{4}$) unit of river sand by using
TATA ACE. Hence, the case.

4. The petitioner was in custody for the past 87 days. Hence,
he is entitled to statutory bail.



5.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the petitioner is having seven previous case in which one is similar in nature and Act 14, 1982 invoked against the petitioner was set aside by the Advisory Committee.

WEB COPY

5. Considering the period of judicial custody and the nature of the offence, 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, Papanasam, Thanjavur 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 and 05.30 p 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/-
30/12/2020

/ 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,
PAPANASAM, THANJAVUR DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
4. THE INSPECTOR OF POLICE,
AMMAPETTAI POLICE STATION,
THANJAVUR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.16037 of 2020
Date : 30/12/2020

IAS/RM
TK/PN/SAR.3/30.12.2020/3P/6C