



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/01/2021

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.358 of 2021

1. Vinoth
2. Ajith
3. Balamurugan
4. Vinith

... Petitioners/Accused No.1 to 4

Vs

State Rep.by
The Inspector of Police,
Nadukkaveri Police Station,
Thanjavur District.
Crime No.990 of 2020.

... Respondent/Complainant

For Petitioners: Mr.R.R.Maheswaran, Advocate.
For Respondent : Mr.Om Chairma Prabhu,
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No.990 of 2020, on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 to A4 herein who were arrested and remanded to judicial custody on 18.12.2020 for the alleged offence under Sections 447, 379 of IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act 1957 and Section 3(1) of TNPPDL Act, on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners had stolen three bullock carts along with sand from the premises of the respondent police. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they been falsely implicated in the above case.



4.The learned Additional Public Prosecutor appearing for the State would submit that three bullock carts along with sand were stolen and the same was recovered by the respondent police. He would also submit that A-1 is having two previous cases, which are similar in nature and A-2 to A-4 are having no previous case.

5.Taking into consideration the facts and circumstances of the case and also taking into consideration the period of incarceration and also considering the fact that A-2 to A-4 are having no previous case for similar offence, this Court is inclined to grant bail to A-2 to A-4 by imposing conditions.

6.Accordingly, the petitioners/A-2 to A-4 are ordered to be released on bail, subject to the following conditions:

[a] the petitioners/A-2 to A-4 shall draw a demand draft in favour of Dean, Government Rajaji Hospital, Madurai for a sum of **Rs.5,000/- (Rupees Five Thousand only) each** without prejudice to their rights and contentions before the trial Court. The petitioners/A-2 to A-4 shall produce the proof of remittance / submission of Demand Draft to Dean while executing sureties.

[b] On acknowledgment of the same by the Dean, Government Rajaji Hospital, Madurai, the petitioners/A-2 to A-4 shall execute a bond for a sum of Rs.10,000/-(Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate Court, Thiruvaiyaru.

[c] 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;

[d] the petitioners/A-2 to A4 shall report before the respondent police at 10.30 a.m for a period of two weeks and thereafter as and when required for interrogation.

[e]the petitioners/A-2 to A-4 shall not abscond either during investigation or trial.

[f]the petitioners/A-2 to A-4 shall not tamper with evidence or witness either during investigation or trial.

[g]On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners/A-2 to A-4 in accordance with law as if the conditions have been imposed and the petitioners/A-2 to A-4 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].



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

7. In so far as A-1 is concerned, he is having two previous cases, which are similar in nature, this Court is not inclined to grant bail to A-1. Hence, this petition is dismissed against A-1.

sd/-
11/01/2021

/ TRUE COPY /

/ /2021
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, THIRUVAIYARU.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE OFFICER INCHARGE,
DISTRICT JAIL, PUDUKKOTTAI.
4. THE INSPECTOR OF POLICE,
NADUKKAVERI POLICE STATION, THANJAVUR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADRURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:
THE DEAN,
GOVERNMENT RAJAJI HOSPITAL,
MADRURAI.

ORDER
IN
CRL OP(MD) No.358 of 2021
Date :11/01/2021

MS/PN/SAR-2/11.01.2021/3P.7C

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