



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

Date : 20/01/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.687 of 2021

Arivalagan ... Petitioner/Sole Accused

Vs

State Rep. by
The Inspector of Police,
Swamimalai Police Station,
Thanjavur District.
Crime No. 17/2021. ... Respondent/Complainant

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

For Respondent : Mr.A.P.G.Ohm Chairma Prabhu,
Government Advocate (Crl.Side)

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

PRAYER :- For Bail in Crime No. 17/2021 on the file of the
respondent Police

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to
judicial custody on 03.01.2021 for the alleged offence under Section
379 of IPC r/w 21(4) of Mines and Minerals (Development and
Regulation) Act 1957, in Crime No.17 of 2021 on the file of the
respondent police, seeks bail.

2.The case of the prosecution is that the petitioner has
committed a theft of quarter unit river sand by using bullock cart
without permission from the authorities.

3.The learned counsel for the petitioner would submit that the
petitioner is an 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 sand was recovered by the respondent
police. He would also submit that no previous case is pending
against the petitioner.

<https://hccs.courtsofmadras.org/portal/hccs/portal>



5. Taking into consideration the facts and circumstances of the case and also taking into consideration the period of incarceration and also taking note of the fact that no previous case is pending against the petitioner, this Court is inclined to grant bail to the petitioner by imposing conditions.

6. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions:

[a] the petitioner shall draw a demand draft in favour of Dean, Government Rajaji Hospital, Madurai for a sum of **Rs.7,500/- (Rupees Seven Thousand and Five Hundred only)** without prejudice to his rights and contentions before the trial Court. The petitioner 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 petitioner shall execute 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 Judicial Magistrate No.2, Kumbakonam.

[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 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.

[e] the petitioner shall not abscond either during investigation or trial.

[f] the petitioner 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 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].

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

sd/-
20/01/2021

/ 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,
<https://hcservices.courts.gov.in/hcservices/> 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 AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE,
SWAMIMALAI POLICE STATION,
THANJAVUR DISTRICT.
- 4 THE OFFICER INCHARGE,
SUB JAIL, KUMBAKONAM.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE DEAN,
GOVERNMENT RAJAJI HOSPITAL,
MADURAI.

ORDER
IN
CRL OP(MD) No.687 of 2021
Date :20/01/2021

vsg
JM/PN/SAR I/20.01.2021/3P/7C