



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/01/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.1031 of 2021

Ellayaraja ... Petitioner/Accused No.1

Vs

State Rep. by
The Inspector of Police,
Kabistharam Police Station,
Thanjavur District.
Crime No.959/2020.

... Respondent/Complainant

For Petitioner : M/s.Arun Prasad.A.,
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 a Bail in Crime No. 959 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Al herein who were arrested and remanded to judicial custody on 04.01.2021 for the alleged offence under Sections 379 of IPC r/w. Section 21(4) of Mines and Minerals (Development and Regulation) Act 1957, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner has committed a theft of $\frac{1}{2}$ unit of sand using tractor without permission from the authorities. Hence the complaint

3.The learned counsel for the petitioner would submit that the petitioner is 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.



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, Thanjavur Medical College Hospital for a sum of **Rs.7500/- (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, Thanjavur Medical College Hospital, 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 District Munsif cum Judicial Magistrate, Papanasam

[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/-
25/01/2021

/ 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.

WEB COPY

TO

1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
PAPANASAM.

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

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

4 THE OFFICER INCHARGE,
SUB JAIL, THIRUVIDAIMARUTHUR.

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

COPY TO:

THE DEAN,
THANJAVUR MEDICAL COLLEGE HOSPITAL,
THANJAVUR.

ORDER
IN
CRL OP(MD) No.1031 of 2021
Date :25/01/2021

aav

JM/PN/SAR I/25.01.2021/3P/7C