



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

Date : 02/03/2021

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.2168 of 2021

Dhanabal

... Petitioner/Accused No.1

Vs

The State rep.by
The Inspector of Police,
Vangal Police Station,
Karur District.
Crime No.398 of 2020.

... Respondent/Complainant

For Petitioner : Mr.S.M.A.Jinnah,
Advocate.

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

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

PRAYER :-

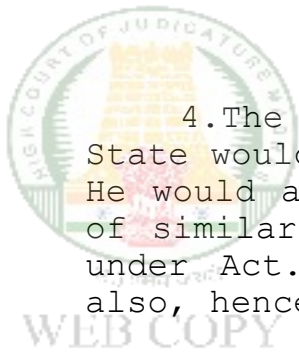
For Bail in Crime No.398 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1 herein who were arrested and remanded to judicial custody on 10.12.2020 for the alleged offence under Sections 379 of IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner has committed a theft of $\frac{1}{4}$ unit of sand using bullock cart 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. He would also submit that the petitioner is in jail for more than 50 days, hence he may be granted bail.



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 the petitioner is having previous cases of similar nature and there is a proposal to detain the petitioner under Act.14 and it has been reflected in the lower Court order also, hence he opposed to grant bail to the petitioner.

5.Taking into consideration the facts and circumstances of the case and also taking into consideration the period of incarceration and it is also seen from the lower court order dated 04.02.2021 that the steps have been taken by the respondent police to detain the petitioner under Act.14 ,till now the detention order is yet to be caused against the petitioner. Inview of the inordinate delay and no proposal has been caused so far for the past four hearings, 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 Medical College and Hospital, Karur for a sum of **Rs.5,000/- (Rupees Five Thousand 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 the Magistrate while executing sureties.

[b] On acknowledgment of the same 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.II, Karur.

[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.

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/ 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 No.II, KARUR.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
- 3.THE INSPECTOR OF POLICE,
VANGAL POLICE STATION,
KARUR DISTRICT.
- 4.THE OFFICER INCHARGE,
SUB JAIL, KULITHALAI, KARUR DISTRICT.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE DEAN,
GOVERNMENT MEDICAL COLLEGE AND HOSPITAL,
KARUR.

ORDER
IN
CRL OP(MD) No.2168 of 2021
Date :02/03/2021

AAV
TK/PN/SAR.4/02.03.2021/3P/7C