



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/03/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.3830 of 2021

Vinoth ... Petitioner/Accused
Vs
The State rep. by
The Inspector of Police,
Nadukaveri Police Station,
Thanjavur District.
Crime No.990 of 2020). ... Respondent/Complainant

For Petitioner : M/s.P. Veerapandi
for Mr. Thalaimutharasu

For Respondent : Mr.K.K. Ramakrishnan
Additional Public Prosecutor

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

PRAYER :-

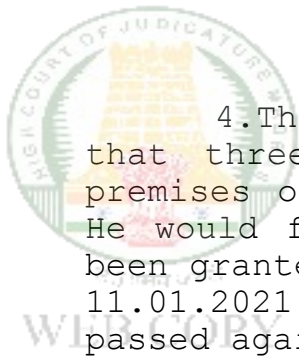
For Bail in Crime No. 990 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/accused, who was arrested and remanded to judicial custody on 18.12.2020 for the offences punishable under Sections 447, 379 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, seeks bail.

2.The case of the prosecution is that the petitioner along with three other accused had stolen three bullock carts along with sand from the premises of the respondent police.

3.The learned counsel for the petitioner would contend that the petitioner is an innocent and he has been falsely implicated in the above case. He would further submit that it is a second bail petition and the earlier bail petition filed by the petitioner was dismissed by this Court on 04.02.2021. He would further contend since the bail order passed against the petitioner was revoked.



4.The learned Additional Public Prosecutor would represent that three bullock carts along with sand were stolen from the premises of the respondent police and that the same was recovered. He would further submit that the other three accused have already been granted bail by this Court in Crl.O.P.(MD)No.358 of 2021, dated 11.01.2021. He would also fairly concede that the detention order passed against the petitioner was revoked.

5. No doubt, the earlier petition filed by the petitioner in Crl.O.P(MD).No.1360 of 2021 was dismissed by this Court vide order dated 04.02.2021 and that time, the detention order passed by the District Collector / District Magistrate, dated 22.01.2021 against the petitioner / accused was in force.

6. Considering the facts and circumstance of the case and also considering the facts that co-accused have already been granted bail by this Court and that the detention order was revoked and that the petitioner is in judicial custody from 18.12.2020, this Court is inclined to grant bail to the petitioner subject to the following conditions:

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

[i] the petitioner shall draw a demand draft in favour of Dean, Government Medical College Hospital, Thanjavur 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.

[ii] On acknowledgment of the same by the Dean, 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, Thiruvaiyaru.

iii) 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.

iv) the petitioner shall report before the Inspector of Police, Kumbakonam Town police station, daily at 10.30 a.m for a period of two weeks and thereafter, as and when required for interrogation.

v)the petitioner shall not tamper with evidence or witness.

vi) the petitioner shall not abscond during trial.

vii)On breach of any of the aforesaid conditions, the learned <https://hmcourtservices.mah.nic.in/McServices/> 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].

viii) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

15/03/2021

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/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE,
THIRUVAIYARU.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE
NADUKAVERI POLICE STATION, TANJAVUR DISTRICT.
- 4 THE INSPECTOR OF POLICE,
KUMBAKONAM TOWN POLICE STATION,
KUMBAKONAM.
- 5 THE OFFICER INCHARGE,
DISTRICT JAIL,
PUDUKKOTTAI.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE DEAN,
GOVERNMENT MEDICAL COLLEGE HOSPITAL,
THANJAVUR.

ORDER

IN

CRL OP(MD) No.3830 of 2021

Date :15/03/2021

NR/VR/SAR-II(15.03.2021) 3P:8C

<https://hcservices.ecourts.gov.in/hcservices/>