



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/08/2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.10414 of 2021

Govindasamy

... Petitioner/Accused No.1

Vs

The State Represented by
The Inspector of Police,
Adiramapattinam Police Station,
Thanjavur District.
Cr. No. 611 of 2021.

... Respondent/Complainant

For Petitioner : Mr.B.ANANDAN,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Government Advocate (Crl.Side)

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

PRAYER :-

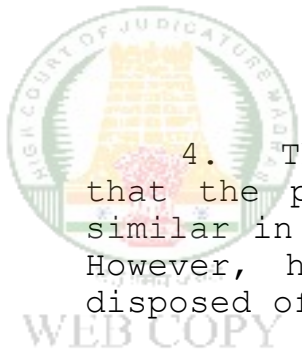
For Bail in Crime No.611 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

This is the second bail application. The petitioner/A1 herein was arrested on 30.06.2021 for the alleged offences under Sections 21(1) Mines Minerals (Development & Regulation) Act, r/w. 379 of IPC on the file of the respondent police in Crime No.611 of 2021 seeks bail.

2. The case of the prosecution is that the petitioner is alleged to have transported river sand in nine bullock-carts.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. He would also submit that the petitioner is in jail from 30.06.2021, hence he seeks bail.



4. The learned Government Advocate (Crl. Side) would submit that the petitioner was also involved in three previous cases of similar in nature in Cr.Nos.336 of 2013, 276 of 2013 and 71 of 2016. However, he would admit that all the three previous cases were disposed of.

5. Taking note of the fact that all the three previous cases were disposed of and also taking note of the fact that the petitioner is in prison for nearly one month, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on his executing 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, Pattukottai, Thanjavur District and on further condition that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall deposit a sum of Rs.20,000/- (Rupees twenty thousand only) as non refundable amount to the account of Tamil Nadu Chief Minister's Relief Fund. The petitioner shall execute the sureties on showing the receipt of the said amount.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

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

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

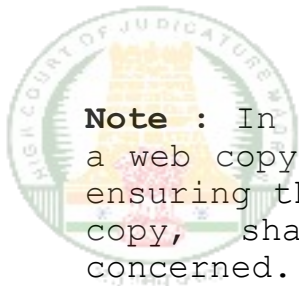
[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

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

sd/-
02/08/2021

/ 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 JUDICIAL MAGISTRATE,
PATTUKOTTAI, THANJAVUR DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THANJORE DISTRICT AT KUMBAKONAM.
3. THE OFFICER INCHARGE,
DISTRICT PRISON, PUDUKKOTTAI DISTRICT.
4. THE OFFICER INCHARGE,
THE CHIEF MINISTERS RELIEF FUND,
GOVERNMENT OF TAMIL NADU,
SECRETARIAT, CHENNAI - 09.
5. THE INSPECTOR OF POLICE,
ADIRAMAPATTINAM POLICE STATION,
THANJAVUR DISTRICT.
6. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.10414 of 2021
Date : 02/08/2021

SS/VR/SAR-II/02.08.2021 : 3P/7C