



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

Date : 03/08/2021

PRESENT

The Hon'ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.10536 of 2021

Neelakandan

... Petitioner/Accused No.3

Vs

The State Rep. by,
The Inspector of Police,
Peravurani Police Station,
Thanjavur District.
(Crime.No.650 /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.650 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A3 herein was arrested on 23.07.2021 for the alleged offences under Sections 379, 430 of I.P.C r/w 21(1) of Mines Minerals (Development & Regulation) Act, 1957, in Crime No.650 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner is said to have illegally transported the river sand by using a Bullock-cart.

3. The learned counsel for the petitioner would submit that the petitioner is an agricultural coolie and he has been falsely implicated in this case. However, to show his bona fide, he is prepared to pay a sum of Rs.25,000/- to the credit of Chief Minister's Relief Fund. He would also submit that the petitioner is in jail from 23.07.2021, hence he seeks bail.



4. The learned Government Advocate (Crl. Side) would submit that apart from this case, the petitioner was also involved in five previous cases of similar in nature and hence, he opposes to grant bail to the petitioner.

5. Considering the period of incarceration of the petitioner and also the fact that the sand has been taken in a Bullock-cart, 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, Pattukkottai 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.25,000/- (Rupees twenty five 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 10.00 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/-
03/08/2021

/ 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.

TO

1. THE JUDICIAL MAGISTRATE,
PATTUKKOTTAI .
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE OFFICER-INCHARGE,
SUB JAIL, PAPANASAM.
4. THE INSPECTOR OF POLICE,
PERAVURANI POLICE STATION,
THANJAVUR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI .

COPY TO :

THE OFFICER-INCHARGE,
CHIEF MINISTER PUBLIC RELIEF FUND,
GOVERNMENT OF TAMIL NADU,
SECRETARIAT BRANCH,
CHENNAI-9.

ORDER
IN
CRL OP(MD) No.10536 of 2021
Date :03/08/2021

msa
USK/JM/SAR-IV : 03/08/2021 : 3P/7C