



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 27/08/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.10991 of 2021

Baskar @ Rajappa

... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
Maruvur Police Station
Thanjavur District
(Crime No.121 of 2021)

... Respondent/Complainant

For Petitioner : MR.P.SURLIRAJA, Advocate.

For Respondent : MR.E.ANTONY SAHAYA PRABAHAR,
Government Advocate (Crl.Side)

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

PRAYER :-For Bail in Crime No.121 of 2021 on the file of the Respondent Police.

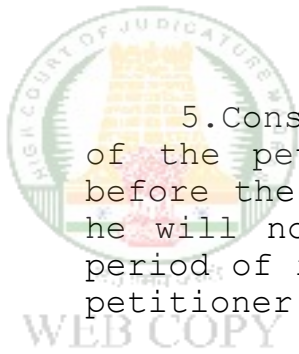
ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested on 29.07.2021 for the offences punishable under Sections 379 I.P.C r/w 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.121 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner has illegally transported 1/4 unit of river sand by using a bullock cart.

3.The learned counsel for the petitioner submits that the petitioner is an innocent, he has not committed any offence as alleged by the prosecution and he is languishing in jail for the past 29 days. The petitioner is also ready to file an undertaking affidavit before the respondent police as well as before the trial Court that he will not indulge in any other offences in future. Hence, he seeks for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) appearing for the respondent police submits that the petitioner is having two previous cases of similar in nature. He further submits that the final report



5. Considering the nature of mineral involved, the antecedents of the petitioner and is ready to file an undertaking affidavit before the respondent police as well as before the trial Court that he will not indulge in any other offences in future and also the period of incarceration, this Court is inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is allowed and 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 Judicial Magistrate, Thiruvaiyaru, Thanjavur District and on further conditions 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 stay at Vellore and report before the Vellore Police Station daily at 10.30 am. until further orders.

[c] the petitioner shall file an undertaking affidavit before the respondent police as well as before the trial Court that he will not indulge in any such offence in future.

[d] 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/-
27/08/2021

/ 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



TO

1 THE JUDICIAL MAGISTRATE,
THIRUVAIYARU, THANJAVUR DISTRICT.

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

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

4 THE OFFICER INCHARGE,
SUB JAIL, THANJAVUR.

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

COPY TO:

THE INSPECTOR OF POLICE,
VELLORE POLICE STATION,
VELLORE.

+1 CC to M/s.P.SURILIRAJA, Advocate (SR-5770[I] dated 27/08/2021)

ORDER

IN

CRL OP(MD) No.10991 of 2021

Date :27/08/2021

MSA/OGY

MK/VR/SAR.IV/27.08.2021/3P/8C