



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 12/10/2021
PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD). No.15861 of 2021

Selvaguru ... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
Thiruneelakudi Police Station,
Thanjavur District.
(Crime No.721 of 2021)

... Respondent/Complainant

For Petitioner : MR.K.RAHUL, Advocate for
Mr.K.M.Karunakaran, Advocate.
For Respondent : Mr.Muthu Manickam,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.438 of Cr.P.C

PRAYER :-For Bail in Crime No.721 of 2021 on the file of the Respondent Police.

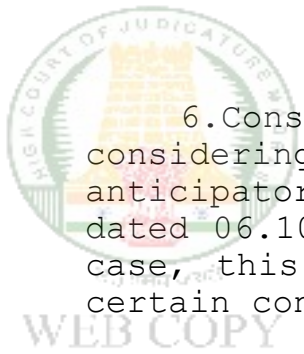
ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 26.09.2021 for the offences under Sections 379, 430 IPC r/w. Section 21(1) of Mines and Minerals Act, 1957 in Crime No.721 of 2021 on the file of the respondent police, seeks bail.

3. The case of the prosecution is that the petitioner and other accused are said to have transported one unit of river sand illegally by using Tipper Lorry. Hence, a case has been registered against the petitioner.

4.The learned counsel for the petitioner submits that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution.

5.The learned Additional Public Prosecutor appearing for the respondent police submits that the petitioner is not having any previous case and the co-accused has already been granted anticipatory bail by this Court in Crl.O.P(MD).No.15169 of 2021, dated 06.10.2021.



6.Considering the facts and circumstances of the case and also considering the fact that the co-accused has already been granted anticipatory bail by this Court in in Crl.O.P(MD).No.15169 of 2021, dated 06.10.2021 and that the petitioner is not having any previous case, this Court is inclined to grant bail to the petitioner with certain conditions.

7.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.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the Judicial Magistrate, Thiruvidadaimaruthur 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 pay a sum of Rs.7,500/-(Rupees Seven Thousand and Five Hundred Only)to the credit of the Headmaster, Government Higher Secondary School, Kottanathampatti, Melur Tk, Madurai District (Account No.3664101000207, IFSC Code: CNRB0003664, Canara Bank, Kottanathuampatti Branch)

[c] the petitioner shall report before the respondent police daily at 10.30 am. for a period of 30 days, and thereafter, as and when required for interrogation.

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

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

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners 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]**.

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

sd/-
12/10/2021

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

COPY TO:

THE HEADMASTER,
GOVERNMENT HIGHER SECONDARY SCHOOL, KOTTANATHAMPATTI,
MELUR TALUK, MADURAI DISTRICT.

+1. C.C. to MR.K.M.KARUNAKARAN, Advocate. SR.No.7228

ORDER
IN
CRL OP(MD) No.15861 of 2021
Date :12/10/2021

EBSI/TRP
MK/VR/SAR.II/18.10.2021/3P/8C