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IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Wednesday, the Eighteenth day of May Two Thousand Twenty Two
PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH
CRIMINAL ORIGINAL PETITION No.11380 of 2022

KUMAR

[PETITIONER / ACCUSED]

Vs

THE STATE REP.BY
INSPECTOR OF POLICE,
KOOTHANALLUR POLICE STATION,
THIRUVARUR DISTRICT.
CR.NO.83 OF 2022.

[RESPONDENT]

For Petitioner : M/S.SWAMISUBRAMANIAN Advocate

For Respondent : MR. S.SANTHOSH, Govt. Advocate (Crl. Side)

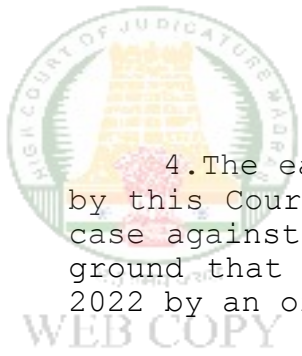
PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 19.04.2022 for alleged offence under Sections 379 IPC and 21(1) of Mines and Minerals (Development and Regulation) Act in Crime No.83 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner had illegally transported half unit of river sand. There are totally two accused persons in this case and the petitioner has been arrayed as A2.

3.Heard Mr.Swamisubramanian, learned counsel for the petitioner and Mr.S.Santhosh, learned Government Advocate (Crl.side) for the respondent.



4.The earlier bail petition filed by the petitioner was dismissed by this Court on 28.04.2022 on the ground that there was one previous case against the petitioner. This bail petition has been filed on the ground that A1 was granted bail by this Court in Crl.O.P.No.10116 of 2022 by an order dated 29.04.2022.

5.Taking into consideration the facts and circumstances of the case and also the fact that this petitioner has already suffered incarceration for nearly 29 days and that A1 was already granted bail by this Court, this Court is inclined to enlarge the petitioner on bail subject to the following conditions:

6.Accordingly, the petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only), by way of Demand Draft to the President, Tamil Nadu Advocates Clerk Association, Madras High Court, Chennai (Indian Bank, High Court Branch, A/c No.484026006, IFSC Code:IDIB000M157) and on such deposit, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.5,000/- (Rupees five thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.2, Mannargudi, Thiruvarur 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 deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) by way of Demand Draft to the President, Tamil Nadu Advocates Clerk Association, Madras High Court, Chennai (Indian Bank, High Court Branch, A/c No.484026006, IFSC Code:IDIB000M157) and that the receipt of such payment shall be produced before the concerned Magistrate at the time of executing the bond;

[c] the petitioner shall report before the respondent police as and when required for interrogation.

[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/-

18/05/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE NO.II,
MANNARGUDI, THIRUVARUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR (FOR INFORMATION)

3 INSPECTOR OF POLICE,
KOOTHANALLUR POLICE STATION,
THIRUVARUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE PRESIDENT,
TAMIL NADU ADVOCATES CLERK ASSOCIATION,
MADRAS HIGH COURT, CHENNAI
(INDIAN BANK, HIGH COURT BRANCH,
A/S NO.484026006, IFSC CODE:IDIB000M157)

6 THE OFFICER INCHARGE,
SUB JAIL, MANNARGUDI.

CC to M/S.SWAMISUBRAMANIAN Advocate on payment of necessary charges Sr.7258

CRL OP.11380/2022

Date :18/05/2022

RVR 19/05/2022