



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.11567 of 2022

1 RAJA
2 BALAKRISHNAN

[PETITIONERS / ACCUSED]

Vs

THE STATE REP. BY
INSPECTOR OF POLICE,
MUTHUPETTAI POLICE STATION,
THIRUVARUR DISTRICT.
(CRIME NO.118 OF 2022)

[RESPONDENT]

For Petitioner : M/S.SWAMI SUBRAMANIAN Advocate

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

PETITION FOR BAIL 439 Cr.P.C.

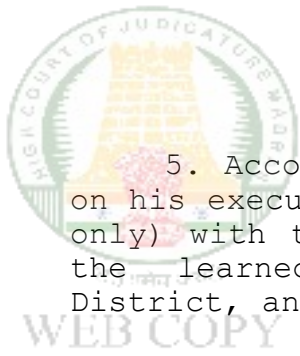
ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 25.04.2022 for the alleged offence under Sections 379 and 430 I.P.C r/w section 21(1) of Mines and Minerals (Development and Regulation) Act, in Crime No.118 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was illegally transporting 1/2 unit of river sand in his bullock cart.

3. Heard both the learned counsel for the petitioner and the learned Government Advocate (Criminal Side).

4. Taking into consideration the facts and circumstances of the case and also the fact that the entire illegally transported sand has been seized by the respondent police and petitioner has suffered incarceration for nearly 33 days and as there are no previous cases against the petitioner, the petitioner will be entitled for statutory bail. In view of the same, this Court is inclined to enlarge the petitioner on bail subject to the following conditions:



5. Accordingly, 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, Thiruthuraipoondi, Thiruvarur District, and on further conditions that:-

[a] the petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only), by way of Demand Draft to the Madras High Court Advocate Clerk Association, Chennai and that the receipt of such payment shall be produced before the concerned Magistrate at the time of executing the bond.

[b] the petitioner and the sureties shall affix thier 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.

[c] the petitioner is directed to appear before the respondent police as and when required.

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

[e] the petitioner shall not abscond 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 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].

[g] If the accused thereafter abscond, 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.



1 THE JUDICIAL MAGISTRATE,
THIRUTHURAIPOONDI,
THIRUVARUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR DISTRICT.(FOR INFORMATION)

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

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE MADRAS HIGH COURT ADVOCATE
CLERK ASSOCIATION, CHENNAI

6 THE OFFICER INCHARGE,
SUB JAIL, THIRUTHURAIPOONDI

CC to M/S.SWAMI SUBRAMANIAN Advocate on payment of necessary
charges Sr.7298

CRL OP.11567/2022

Date :18/05/2022

RVR 20/05/2022