



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/01/2022

WEB COPY

PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD). No.572 of 2022

Rajaprabhu

... Petitioner/Accused No.3

Vs

State Rep.by
The Inspector of Police,
Madukkur Police Station,
Thanjavur District.
Cr.No.721 of 2021.

... Respondent/Complainant

For Petitioner : Mr.T.Kumar
Advocate.

For Respondent : Mr.S.Manikandan,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 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/A3, who was arrested on 17.12.2021 for the offence punishable under Sections 379, 341, 353, 506(ii)IPC, and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1951, in Crime No.721 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and other accused have illegally loaded one unit of river sand by using Tractor. Hence, the complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He would further submit that co-accused/A1 & A2 have already been granted anticipatory bail by this Court in CRL.O.P.(MD).No.21101 of 2021 of 2021 on 29.12.2021 and hence, he seeks for grant bail.



4.The learned Government Advocate (Crl.side) appearing for the respondent police submitted that this is second bail application. The petitioner's earlier application was dismissed by this Court on the ground that the petitioner is having three previous cases to his credit. Hence, he strongly opposed to grant bail to the petitioner.

5.Considering the facts and circumstances of the case and also taking into consideration the period of incarceration and co-accused have already released on anticipatory bail, this Court is inclined to grant bail to the petitioner subject to the following conditions.

6.Accordingly, this Criminal Original Petition is ordered. The petitioner is directed 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 learned Judicial Magistrate, Pattukottai, 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 report before the respondent Police daily at 10.30 a.m. for a period of 30 days and thereafter as and when required.

[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 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]**.

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

sd/-

19/01/2022

/ TRUE COPY /

19/01/2022

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,
PATTUKOTTAI.

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

3 THE OFFICER INCHARGE,
SUB JAIL, PAPANASAM,
THANJAVUR DISTRICT.

4 THE INSPECTOR OF POLICE
MADUKKUR POLICE STATION,
THANJAVUR DISTRICT.

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

ORDER

IN

CRL OP(MD) No.572 of 2022

Date :19/01/2022

RS/JM/SAR.2(19.01.2022) 3P-6C