



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 21/01/2022

PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD)No.853 of 2022

WEB COPY

Nithyaraj

... Petitioners/Accused No.1

Vs

State Rep.by
The Inspector of Police,
Thirugokarnam Police Station,
Pudukkottai District.
(Cr.No.773 of 2021)

... Respondent/Complainant

For Petitioner : Mr.N.Balakrishnan, Advocate for
M/S.Arun Kumar K.G, 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.773 of 2021 on the file of the Respondent police.

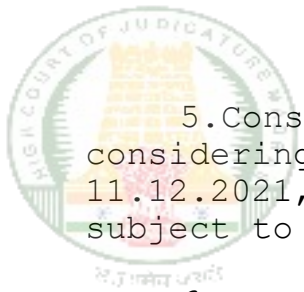
ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested on 11.12.2021 for the offence punishable under Section 379 IPC and Sections 21 (1), 21 (ii) of the Mines and Minerals (Development and Regulation) Act, in Crime No.773 of 2021, on the file of the respondent police, seeks bail.

2.The prosecution case is that the petitioner has illegally transported three units of gravel sand by using lorry. Hence, the complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent and has not committed any offence as alleged by the prosecution, but, a false case has been foisted as against him.

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 five previous cases, which are similar in nature. Hence, he strongly opposed to grant bail to the petitioner.



5.Considering the facts and circumstances of the case and considering the fact that the petitioner is in judicial custody from 11.12.2021, 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 No.II, Pudukkottai Pudukkottai 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 make a non-refundable deposit for a sum of Rs.15,000/- (**Rupees Fifteen Thousand only**) **to the credit of Government of Tamil Nadu, CMPRF in IOB**, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172), within a period of two weeks without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate No.II, Pudukkottai Pudukkottai District;

[c] 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.

[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.

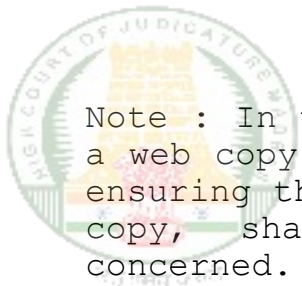
[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down 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/-
21/01/2022

/ TRUE COPY /

21/01/2022
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.

WEB COPY

TO

- 1 THE JUDICIAL MAGISTRATE NO.II,
PUDUKKOTTAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI.
- 3 THE INSPECTOR OF POLICE
THIRUGOKARNAM POLICE STATION,
PUDUKKOTTAI DISTRICT.
- 4 THE OFFICER INCHARGE,
SUB JAIL, PUDUKKOTTAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO

THE OFFICER-INCHARGE,
CHIEF MINISTER PUBLIC RELIEF FUND,
GOVERNMENT OF TAMIL NADU, SECRETARIAT,
CHENNAI-9.

ORDER
IN
CRL OP(MD) No.853 of 2022
Date :21/01/2022

RS/PN/SAR.1(21.01.2022) 3P-7C