



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/02/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGOVAN

CRL OP(MD). No.1761 of 2022

Vishwa

... Petitioner/Accused No.2

Vs

State Rep.by
The Inspector of Police,
Ammapettai Police Station,
Thanjavur District.
(Crime No.7/2022).

... Respondent/Complainant

For Petitioner : M/s.S.Bharathi
Advocate.

For Respondent : Mr.P.Kottai Chamy
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.7 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No.2 herein, who was arrested on 10.01.2022 for the alleged offence under Sections 279, 304(A), 379 of IPC and Section 21(4) of Mines and Minerals (D&R) Act in Crime No.7 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the accused persons have illegally transported sand in a vehicle and dashed against a person. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution.

4.The learned Government Advocate would submit that the petitioner has involved in two previous cases in the earlier sessions in Crime No.88 of 2021. In respect of other offences



under Sections 279 and 304(A) and 379, the case has been referred as mistake of fact.

5.It appears that only one case is pending against the petitioner which is in similar nature of this case. However, considering the duration of custody underwent by the petitioner, this Court is inclined to grant bail to the petitioner with stringent conditions. The petitioner has to file an undertaking affidavit that he will not indulge in such an illegal activities in future. If any case is registered after grant of bail by this Court, the relief of bail granted to the petitioner will automatically get cancelled.

6.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing a personal bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Pabanasam, Thanjavur District, and on further condition that the petitioner shall report before the respondent police once in 15 days at 10.30 a.m. until further orders.

7.It is represented by the learned counsel for the petitioner that the petitioner is now confined at the District Prison, Pudukkottai.

sd/-
02/02/2022

/ TRUE COPY /

02/02/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

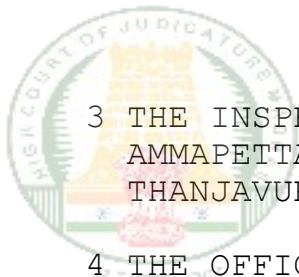
Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1 THE JUDICIAL MAGISTRATE,
BABANASAM.

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

<https://hcservices.mca.gov.in/hcservices>



3 THE INSPECTOR OF POLICE
AMMAPETTAI POLICE STATION,
THANJAVUR DISTRICT.

4 THE OFFICER INCHARGE,
DISTRICT PRISON,
PUDUKKOTTAI.

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

+1 CC to M/s.S.BHARATHI, Advocate (SR-653[I] dated 02/02/2022)

ORDER

IN

CRL OP(MD) No.1761 of 2022

Date :02/02/2022

RS/VR/SAR.4(02.02.2022) 3P-7C