



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/02/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.2692 of 2022

Balasubramaniyan

... Petitioner/Accused (Sole)

Vs

The State rep.by,
The Inspector of Police,
Thiruvaiyaru Police Station,
Thanjavur District.
Crime No.95 of 2022.

... Respondent/Complainant

For Petitioner : Mr.R.L.Dhilipan Pandian,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-For Bail in Crime No.95 of 2022 on the file of the Respondent police.

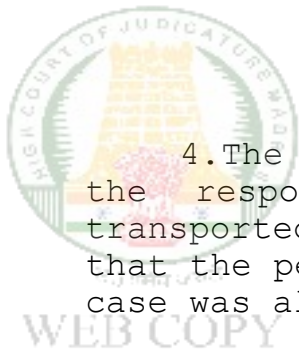
ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 28.01.2022 for the offences punishable under Section 379 of IPC and Section 21(4) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.95 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner has illegally transported ¼ unit of river sand by using bullock cart. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. However, he would further submit that the petitioner, without prejudice to his right, is ready to deposit the amount that may be imposed by this Court and he also filed an affidavit sworn by the petitioner, wherein the petitioner has specifically stated that he

<https://www.casereports.gov.in/casereports/>



4.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the petitioner has transported $\frac{1}{4}$ unit of river sand illegally. He would further submit that the petitioner is having four previous cases, out of which, one case was already disposed of and three cases are pending.

5.Considering the above facts and circumstances and also taking note of the undertaking affidavit given by the petitioner and also the fact that the petitioner is in judicial custody from 28.01.2022, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6.Accordingly, the petitioner shall pay a sum of Rs.27,500/- (Rupees Twenty Seven Thousand and Five Hundred only) to the credit of the District Mineral Foundation Trust, Thanjavur District without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate, Thiruvaiyaru, Thanjavur District.

7.On such deposit, the petitioner is ordered to be released on bail on condition that the petitioner shall execute 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, Thiruvaiyaru, Thanjavur District and on further conditions that:

(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar 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 one month and thereafter, as and when required for interrogation;

(c)the petitioner shall not tamper with the evidence or witness either during investigation or trial;

(d)the petitioner shall not abscond 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]***; and;



(f)if the accused / petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
23/02/2022

/ TRUE COPY /

WEB COPY

23/02/2022

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,
THIRUVAIYARU, THANJAVUR DISTRICT.
- 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJORE DISTRICT AT KUMBAKONAM.
- 3 THE OFFICER INCHARGE,
SUB JAIL, THANJAVUR.
- 4 THE INSPECTOR OF POLICE
THIRUVAIYARU POLICE STATION, THANJAVUR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:
THE OFFICER INCHARGE,
DISTRICT MINERAL FOUNDATION TRUST,
THANJAVUR DISTRICT.

ORDER
IN
CRL OP(MD) No.2692 of 2022
Date :23/02/2022

SJI
MK/VR/SAR.III/23.02.2022/3P/7C