



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )

Date : 24/02/2022

PRESENT

**The Hon`ble Mr.Justice K.MURALI SHANKAR**

CRL OP(MD). No.3805 of 2022

WEB COPY

M.Samsudheen

: Petitioner/Accused

Vs

State Rep.by  
The Inspector of Police,  
Thanjavur Taluk Police Station,  
Thanjavur.  
Cr.No.164 of 2022.

: Respondent/Complainant

For Petitioner : M/s.Mahendren T,  
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.164 of 2022 on the file of the Respondent police.

**ORDER :** The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 11.02.2022 for the offences punishable under Section 379 IPC r/w 21(1) of Mines and Minerals Act, in Crime No.164 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 1/2 unit of river sand by using the vehicle. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent, he has not committed any offence as alleged by the prosecution. However, he would further submit that the petitioner, without prejudice to his right, ready to deposit the amount that may be imposed by this Court.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that 1/2 unit of river sand was illegally transported by the petitioner. He would further submit that the petitioner is not having any previous case at his credit.



5.Considering the nature of the charges levelled against the petitioner and also the fact that the petitioner is not having any bad antecedents as stated by the learned Additional Public Prosecutor, this Court is inclined to grant bail to the petitioner on certain conditions.

6.Accordingly, the petitioner shall pay a sum of Rs.7,500/- (Rupees Seven Thousand Five Hundred only) to the credit of the District Mineral Foundation Trust, Thanjavur, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Principal Sessions Judge, Thanjavur.

7.On production of such receipt/acknowledgment, the petitioner is ordered 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 Principal Sessions Judge, Thanjavur and on further condition that:

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

ii) 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;

iii) the petitioner shall not tamper with evidence or witness.

iv) the petitioner shall not abscond during trial.

v) 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].

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

24/02/2022

/ TRUE COPY /

24/02/2022

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



TO

- 1.The Principal Sessions Judge,  
Thanjavur.
- 2.The Inspector of Police,  
Thanjavur Taluk Police Station,  
Thanjavur.
- 3.The Officer Incharge,  
Thiruvidadaimaruthur Prison,  
Thanjavur.
- 4.The Officer Incharge,  
District Mineral Foundation Trust,  
Thanjavur.
- 5.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

ORDER

IN

CRL OP(MD) No.3805 of 2022

Date :24/02/2022

RS/VR/SAR.4 (24.02.2022) 3P-6C