



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 26/04/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). Nos.7638, 7542 and 7543 of 2022

WEB COPY

Murugesan

... Petitioner/Accused No.1
in Crl OP(MD) No.7638 and
7543/2022

... Petitioner/Accused No.2
in Crl OP(MD) No.7542/2022

Vs

The State rep.by
The Inspector of Police,
Ammamet Police Station,
Thanjavur District.
Crime No.171/2022
Crime No.865/2021
Crime No.1043/2021

... Respondent/Complainant
in Crl OP(MD) No.7638/2022
in Crl OP(MD) No.7542/2022
in Crl OP(MD) No.7543/2022

(in all petitions)

For Petitioner : M/s. Dhilipan Pandian.R.L.,
Advocate.

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

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

COMMON PRAYER :-

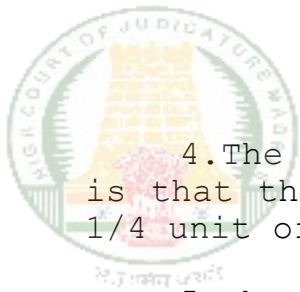
For Bail in Crime Nos. 171 of 2022, Crime Nos. 865 and 1043 of 2021 on the file of the respondent police.

ORDER : The Court made the following common order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 11.04.2022 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.171 of 2022, Crime Nos.865 and 1043/2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution in Crl.O.P.(MD) No.7638 of 2022, is that the petitioner and other accused have illegally transported one unit of river sand. Hence, the complaint.

3.The case of the prosecution in Crl.O.P.(MD)No.7542 of 2022, is that the petitioner and other accused have illegally transported one unit of river sand. Hence, the complaint.



4.The case of the prosecution in Crl.O.P.(MD)No.7543 of 2022, is that the petitioner and other accused have illegally transported 1/4 unit of river sand. Hence, the complaint.

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

6.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the petitioner is having one previous case for similar offence.

7.Considering the facts and circumstances of the case and considering the nature of the charges levelled against the petitioner and also taking note of the fact that the petitioner is in judicial custody from 11.04.2022, this Court is inclined to grant bail to the petitioner subject to the following conditions:

8.Accordingly, the petitioner shall pay a sum of Rs.20,000/- for Crime No.171/2022; Rs.20,000/- for Crime No.865/2021 and Rs.12,500/- for Crime No.1043/2021)(totally a sum of Rs.52,500/- Rupees Fifty Two 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, Papanasam, Thanjavur District.

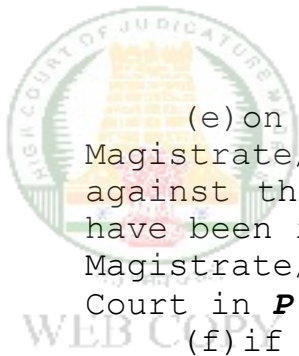
9.On such deposit, the petitioner is ordered to be released on bail on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Papanasam, Thanjavur District 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/-
26/04/2022

/ TRUE COPY /

26/04/2022
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,
PAPANASAM, THANJAVUR DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
AMMAPET POLICE STATION,
THANJAVUR DISTRICT.
4. THE OFFICER-INCHARGE,
SUB JAIL, PAPANASAM,
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) . Nos.7638, 7542
and 7543 of 2022
Date : 26/04/2022

DAS
USK/PN/SAR-IV/26.04.2022/3P/7C

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