



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 28/04/2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.7904 of 2022

Suresh @ Paangal Suresh

... Petitioner/Accused No.2

Vs

The State Rep. By,
The Inspector of Police,
Nachiyarkovil Police Station,
Thanjavur District.
Crime No. 3/2022.

... Respondent/Complainant

For Petitioner : M/s.R.L.DHILIPAN PANDIAN
Advocate.

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

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

PRAYER :- For Bail in Crime No.3 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 14.04.2022 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.3 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and other accused have illegally transported two units of river sand by using Lorry. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner has already filed an application for anticipatory bail in Crl.O.P.(MD)No.598 of 2022 and this Court vide order dated 17.02.2022 has granted anticipatory bail with the condition to deposit a sum of Rs.5,000/- to the District Mineral Foundation Trust, Thanjavur District. He would further submit that subsequently, the petitioner could not furnish the sureties and hence, he was arrested. Therefore, the petitioner is constrained to move the above application.



4.The learned Government Advocate (Crl. side) for the respondent police would submit that the petitioner and other accused have transported two units river sand illegally. He would further submit that petitioner is having one previous case.

5.Considering the above facts and circumstances and also taking note of the fact that the petitioner is in judicial custody from 14.04.2022 and also the fact that the petitioner has already obtained anticipatory bail from this Court, 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.5,000/- (Rupees Five Thousand only) to the credit of the District Mineral Foundation Trust, Thanjavur District, District without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate No.II, Kumbakonam, 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 No.II, Kumbakonam, 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/-

28/04/2022

/ TRUE COPY /

29/04/2022

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 NO.II,
KUMBAKONAM, THANJAVUR DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE OFFICER-INCHARGE,
SUB JAIL, KUMBAKONAM, THANJAVUR.
4. THE INSPECTOR OF POLICE,
NACHIYARKOVIL 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.7904 of 2022
Date :28/04/2022

SJI
SA/JM/SAR.2/29.04.2022/3P/7C