



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/04/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). Nos.7872 and 7896 of 2022

Karthi

... Petitioner/Accused No.1
in both petitions

Vs

The State rep.by,
The Inspector of Police,
Ammamet Police Station,
Thanjavur District.

Crime Nos.57 of 2019 and 1024 of 2021 ... Respondent/Complainant
in both petitions

In both petitions:

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

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

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

COMMON PRAYER :-

For Bail in Crime Nos.57 of 2019 and 1024 of 2021 on the file
of the Respondent Police.

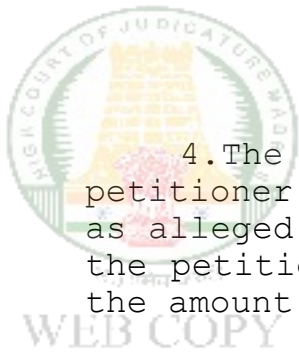
COMMON ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial
custody on 19.04.2022 for the offences punishable under Section 379
of IPC and Section 21(4) of Mines and Minerals (Development and
Regulation) Act, 1957 in Crime Nos.57 of 2019 and 1024 of 2021,
respectively, on the file of the respondent police, seeks bail.

2.The case of the prosecution, in Crl.O.P.(MD)No.7872 of 2022,
is that the petitioner and other accused have illegally transported
one unit of river sand by using 407 Lorry. Hence, the complaint.

3.The case of the prosecution, in Crl.O.P.(MD)No.7896 of 2022,
is that the petitioner and other accused have illegally transported
river sand by using Tractor. Hence, the complaint.

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



4.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.

5.The learned Government Advocate (Crl.Side) for the respondent police would submit that the petitioner and other accused have transported one unit of river sand illegally in both the petitions. He would further submit that petitioner is having three previous cases, in which, two cases for similar offence.

6.Considering the above facts and circumstances and also taking note of the fact that the petitioner is in judicial custody from 19.04.2022, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7.Accordingly, the petitioner shall pay a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only) in each case** 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.

8.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.

WEB COPY

sd/-
28/04/2022

/ TRUE COPY /

28/04/2022
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,
THANJORE DISTRICT AT KUMBAKONAM.
- 3 THE OFFICER INCHARGE,
SUB JAIL, PAPANASAM.
- 4 THE INSPECTOR OF POLICE
AMMAPET 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.7872 of 2022
Date :28/04/2022

SJI
MK/PN/SAR.II/28.04.2022/3P/7C