



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/05/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice **M.S.RAMESH**

CRL OP(MD) . No.8576 of 2022

Baburaj

... Petitioner/sole accused

Vs

The State Rep by
The Inspector of Police,
Kumbakonam Taluk Police Station,
Ramanathapuram District
(Crime No.179 of 2022).

... Respondent/Complainant

For Petitioner : Mr.R.Maheswaran
Advocate.

For Respondent : Mr.A.Thiruvadikumar,
Additional Public Prosecutor.

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

PRAYER :-

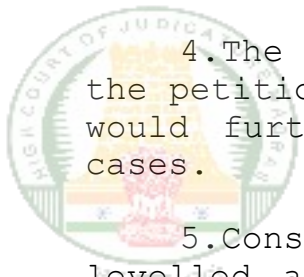
For Bail in Crime No.179 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 30.03.2022 for the offences punishable under Sections 379 IPC r/w. Section 21(1) of Mines and Minerals (Development and Regulation) Act, in Crime No.179 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner has illegally transported half unit of river sand. 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 rights, is ready to deposit the amount that may be imposed by this Court.



4.The learned Additional Public Prosecutor would submit that the petitioner has transported half unit of river sand illegally. He would further submit that the petitioner is having ten previous cases.

5.Considering the above and also the nature of the charges levelled against the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

6.Accordingly, 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 Judicial Magistrate No.II, Kumbakonam, and on further condition that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner shall pay a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** to the credit of the District Mineral Foundation Trust, Thanjavur District, without prejudice to his rights and contentions before the trial Court. The petitioner shall execute the sureties on showing the receipt of the said amount.

[c]the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of thirty (30) days and thereafter as and when required for interrogation.

[d]the petitioner shall not tamper with the evidence or witness either during investigation or trial.

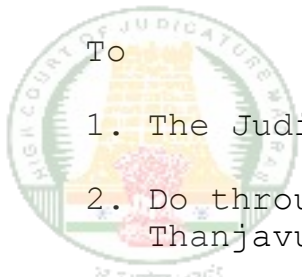
[e]the petitioner shall not abscond either during investigation or trial.

[f]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]**.

sd/-
05/05/2022

/ TRUE COPY /

05/05/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



To

1. The Judicial Magistrate No.II, Kumbakonam
2. Do through the Chief Judicial Magistrate,
Thanjavur at Kumbakonam.
3. The Officer in Charge,
Sub Jail, Kumbakonam
4. The Inspector of Police,
Kumbakonam Taluk Police Station,
Thanjavur District
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to:

The Officer in Charge,
District Mineral Foundation Trust,
Thanjavur District

CRL OP(MD) No.8576 of 2022
Date :05/05/2022

MGJ/JM/SAR 3(05.05.2022) 3P 7C