



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

Date : 17/06/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.10790 of 2022

WEB COPY

Nishanth

... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
Pattukottai Taluk Police Station,
Thanjavur District.
Crime.No.234 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Karunakaran K M, Advocate.
For Respondent : Mr.P.Kottaichamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.234 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 13.05.2022 for the offences punishable under Section 379 of IPC r/w Section 21(1) of Mines and Minerals Act, 1957 in Crime No.234 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 ½ unit of river sand. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that A3 was already granted anticipatory bail by this Court. 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.

4.The learned Government Advocate (Crl. side) appearing for the respondent police would submit that ½ unit of sand was illegally transported by the petitioner and other accused and that the petitioner is having three previous cases for similar offence.



5.Considering the nature of the offence alleged, the antecedents of the petitioner and also the period of incarceration, this Court is inclined to grant bail to the petitioner on 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, Pattukottai, 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.22,500/- (Rupees Twenty 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. 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 one month and thereafter as and when required for interrogation.

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

[e] the petitioner shall not tamper with evidence or witness 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]**.

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
17/06/2022

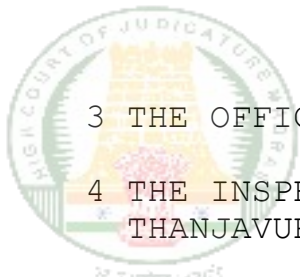
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17/06/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE, PATTUKOTTAI.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.



3 THE OFFICER INCHARGE, DISTRICT JAIL, PUDUKOTTAI.

4 THE INSPECTOR OF POLICE, PATTUKOTTAI TALUK POLICE STATION,
THANJAVUR DISTRICT.

5 THE OFFICER INCHARGE, DISTRICT MINERAL FOUNDATION TRUST,
THANJAVUR DISTRICT.

6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.M.KARUNAKARAN, Advocate (SR-5692[I] dated 17/06/2022)

ORDER

IN

CRL OP(MD) No.10790 of 2022

Date :17/06/2022

RS/PN/SAR.1 (17.06.2022) 3P-8C