



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 25/07/2022
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

WEB COPY

CRL OP(MD). Nos.12006, 11706 and 11707 of 2022

Dinesh @ Dineshkumar

... Petitioner/Accused (Sole)
in Crl.OP(MD).12006 & 11706/2022

... Petitioner/Accused No.1
in Crl.OP(MD).11707/2022

Vs

The State rep.by
The Inspector of Police,
Ammamet Police Station,
Thanjavur District.
Crime.Nos.6,304 and 208 of 2022.

... Respondent/Complainant
in all petitions

In all petitions:-

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

For Respondent : Mr.R.MEENAKSHI SUNDARAM,
Additional Public Prosecutor

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

COMMON PRAYER :- For Bail in Crime No. 6, 304 and 208 of 2022 on the file of the Respondent police.

COMMON ORDER : The Court made the following order :-

The petitioner/Accused in Crime Nos.304 of 2022 and 208 of 2022, who was arrested and remanded to judicial custody on 23.05.2022 and in Crime No.6 of 2022, the petitioner was arrested formally on 23.06.2022 through P.T. Warrant, respectively, for the offences punishable under Section 379 of IPC and Sections 21(1) and 21(4) of Mines and Minerals (Development and Regulation) Act, 1957, on the file of the respondent police. Hence, he seeks bail.

2.The case of the prosecution in Crl.O.P.(MD)No.11706 of 2022 is that the petitioner has illegally transported $\frac{1}{4}$ unit of sand.

2.1.The case of the prosecution in Crl.O.P.(MD)No.11707 of 2022, the petitioner has illegally transported one unit of sand.



2.2.The case of the prosecution in Crl.O.P.(MD)No. of 2022, the petitioner has illegally transported 1 ½ units of sand.

3.It is evident from the records that the petitioner was arrested and three First Information Reports came to be registered in Crime Nos.6 of 2022, 304 of 2022 and 208 of 2022 on the file of the respondent police, that the petitioner was arrested with respect to the cases in Crime Nos.208 and 304 of 2022 on 23.05.2022 and that subsequently, on 23.06.2022, the petitioner was arrested formally and on production of P.T. Warrant, he was remanded to judicial custody so far as the case in Crime No.6 of 2022.

4.The learned counsel for the petitioner would submit that the respondent police has purposely shown that the petitioner was arrested for the cases in Crime Nos.208 and 304 of 2022 and after one month, they have arrested with respect to Crime No.6 of 2022 and thereby, remanded the petitioner to judicial custody. He would further submit that with respect to the cases in Crime Nos.208 and 304 of 2022, the petitioner is entitled for statutory bail.

5.The learned Additional Public Prosecutor would submit that the petitioner is having six previous cases for similar offences.

6.Admittedly, the charge sheets have not been filed. Since the petitioner was arrested with respect to the above said two cases on 23.05.2022, he is entitled for statutory bail. In the case in Crime No.6 of 2022, the respondent police has failed to shown arrest in that case, when he was arrested with respect to other two cases.

7.Considering the above facts and circumstances of the case and the nature of the offences alleged and also the facts that the petitioner is entitled to get statutory bail in respect of two cases and also the period of incarceration, this Court is inclined to grant bail to the petitioner on certain conditions.

8.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) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Papanasam, Thanjavur District, 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.50,000/- (Rupees Fifty Thousand only) in Crl.O.P.(MD)No.12006 of 2022 alone, 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 responder 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/-

25/07/2022

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25/07/2022

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

TO

- 1 THE JUDICIAL MAGISTRATE
PAPANASAM, THANJAVUR DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE OFFICER INCHARGE
SUB JAIL, PAPANASAM, THANJAVUR.
- 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) . Nos.12006, 11706
and 11707 of 2022

Date :25/07/2022

SA/PN/SAR.4/25.07.2022/3P/7C

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