



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

Date : 12/09/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD). No.16392 of 2022

Bharathi @ Bharathidasan

... Petitioner/Accused No.1

Vs

The State Rep. By,
The Inspector of Police,
Thanjavur Taluk Police Station,
Thanjavur District.
(Crime No.901 of 2022).

... Respondent/Complainant

For Petitioner : M/s. Suresh Kannan C,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Cr No.901 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 14.08.2022, for the offences under Sections 379 of IPC r/w. 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.901 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused persons said to have illegally transported six bags of river sand in their two wheeler bearing Reg. No.TN 68 A 5610, TN 49 AK 5951 and TN 49 H 067, hence the case came to be registered.

3. On the side of the petitioner, it is stated that a false case has been foisted against the petitioner and the petitioner is in judicial custody from 14.08.2022 and prayed the petitioner to be released on bail.



4. On the side of the prosecution, it is stated the petitioner along with other accused said to have illegally transported six bags of river sand and the sand was also recovered.

5. Taking into consideration the facts and circumstances of the case and also taking into consideration the period of incarceration and also the fact that the sand has been recovered, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, this Criminal Original Petition is allowed on condition that the petitioner shall deposit a sum of Rs.3,500/- (Rupees Three thousand and Five Hundred only) to the credit of Crime No.901 of 2022 before the learned Judicial Magistrate No.II, Thanjavur, without prejudice to his rights and contentions before the trial Court.

7. On such deposit being made, the petitioner is ordered to be released on bail, on his executing a bond for a sum of 10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Thanjavur, and on further conditions that:

(i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii) the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(iii) the petitioner shall not tamper with evidence or witness;

(iv) the petitioner shall be present before the Court on hearing dates and before the respondent police as and when required;

(v) 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]**.

(vi) If the accused / petitioner thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

12/09/2022

/ TRUE COPY /

12/09/2022

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



TO

1. THE JUDICIAL MAGISTRATE NO.II,
THANJAVUR.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
4. THE INSPECTOR OF POLICE,
THANJAVUR TK POLICE STATION,
THANJAVUR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.C.SURESH KANNAN, Advocate (SR-9866[I] dated
12/09/2022)

ORDER
IN
CRL OP(MD) No.16392 of 2022
Date :12/09/2022

aav
USK/VRS/SAR-IV/12.09.2022/3P/7C