



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

Date : 29/09/2022

PRESENT

WEB COPY

**The Hon`ble Mr.Justice A.A.NAKKIRAN**

CRL OP(MD) . No.17446 of 2022

Sakthivel

... Petitioner/Accused No.2

Vs

The State Rep. By,  
The Inspector of Police,  
Pattukottai Taluk Police Station,  
Thanjavur District.  
Crime No. 552 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Karunakaran.K.M.,  
Advocate.

For Respondent : Mr.E.Antony Shaya Prabahar,  
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.552 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 13.09.2022 for the offences punishable under Section 379 IPC r/w. 21(1) of Mines and Minerals Act, 1957, in crime No.552 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that when the defacto complainant was in routine check up the petitioner and other accused have illegally transported 1 unit of river sand by using TATA 407 Van. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been false implicated in this case. He would further submit that the petitioner is in judicial custody from 13.09.2022, hence, they may be granted bail.



4.The learned Additional Public Prosecutor would submit that the petitioner has transported 1 unit of river sand illegally and the same has been recovered. He would further submit that co-accused have already released on bail and the petitioner herein is having two previous cases and strongly opposed to grant bail to the petitioners.

5.Considering the submissions made by the learned counsel on either side and also considering the fact that co-accused have already released on on bail and the period of incarceration, this Court is inclined to grant bail to the petitioner on certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Pattukkottai and on further condition that;

(i) the petitioner is directed to pay a sum of Rs.1,000/- (Rupees One Thousand only) to the Rojavanam, Home for Old Aged, Melur Road, Uthangudi, Ulaganeri, Madurai - 625 107, without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties;

(ii) 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;

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

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

(v)the petitioner shall not abscond during trial.

vi)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].

vii)If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

29/09/2022

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29/09/2022

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



TO

1. THE JUDICIAL MAGISTRATE,  
PATTUKKOTTAI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,  
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,  
PATTUKOTTAI TALUK POLICE STATION,  
THANJAVUR DISTRICT.
4. THE OFFICER-INCHARGE,  
SUB-JAIL, THANJAVUR.
5. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO :

THE OFFICER-INCHARGE,  
ROJAVANAM, HOME FOR OLD AGED,  
MELUR ROAD, UTHANGUDI,  
ULAGANERI, MADURAI-625 107.

+1 CC to M/s.K.M.KARUNAKARAN, Advocate ( SR-10711[I] dated  
29/09/2022 )

ORDER  
IN  
CRL OP(MD) No.17446 of 2022  
Date :29/09/2022

TRP  
USK/VR/SAR-I/29.09.2022/3P/8C