



WEB COPY

CRL OP(MD). N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/11/2022

PRESENT

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

CRL OP(MD). No.19285 of 2022

1. Karunakumar
2. Sivasubramanian @ Siva ... Petitioners/Accused 3,4

Vs

State Rep.by
The Inspector of Police,
Peravurani Police Station,
Thanjavur District.
(Crime No.667/2022).

... Respondent/Complainant

For Petitioners : M/s.Anandan.B., Advocate.
For Respondent : Mr.M.Muthumanikandan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.667/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A3 & A4, who were arrested and remanded to judicial custody on 17.10.2022 for the offences punishable under Sections 294(b), 353, 379 and 506(ii) IPC and 3(1) of TNPPDL Act r/w 21(1) of Mines and Minerals Act, 1957, in Crime No.667 of 2022 on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 07.10.2022, the petitioners along with other accused said to have caused damage to the bank of Kandiyur Pond of the Village worth about Rs.50,000/- and committed the offence of theft of sand worth about Rs.30,000/-.Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case. However, he would further submit that the petitioners shall abide any condition imposed by this Court.



4.The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the investigation is not yet completed. Hence, he strongly opposed to grant bail to the petitioners.

5.Considering the facts and circumstances of the case and also considering the period of incarceration, this Court is inclined to grant bail to the petitioners subject to the following conditions:

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

(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) **each the petitioners** are directed to deposit a sum of **Rs.5,000/- (Rupees Five Thousand only) to the Mediation and Conciliation Centre, attached to the Madurai Bench of Madras High Court, Madurai,** without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties;

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

(iv)the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

01/11/2022

/ TRUE COPY /

01/11/2022

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



Note : In view of the present lock down owing to COVID-19, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

WEB COPY

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

COPY TO

THE CO-ORDINATOR,
MEDIATION AND CONCILIATION CENTRE,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.B.ANANDAN, Advocate (SR-12206[I] dated 01/11/2022)

ORDER
IN
CRL OP(MD) No.19285 of 2022
Date :01/11/2022

DSS
RS/VR/SAR.(01.11.2022) 3P-8C