



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 25/11/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN
CRL OP(MD). No.20867 of 2022

WEB COPY

Arokiyasamy,

... Petitioner/Accused No.1

Vs

The State rep. by
The Inspector of Police,
Kabisthalam Police Station,
Thanjavur District.
Cr.No.1009/2020.

... Respondent/Complainant

For Petitioner : M/s.Suyambulinga Bharathi K,
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 Crime No. 1009/2022 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 11.11.2022 for the offences punishable under Sections 379 IPC and Section 21(4) of Mines and Minerals (Development and Regulation) Act, 1957, in crime No.1009 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 2 units of river sand worth about Rs.16,000/-. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 11.11.2022 and no previous case is pending against the petitioner. Hence, he may be released on bail.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioner and other accused have illegally transported 2 units of river sand worth about Rs.16,000/-. He would further submit that the petitioner is having



no previous case and the investigation in this case pending. Hence, he strongly opposed to grant bail to the petitioner.

5.Considering the the period of incarceration and also considering the fact that no bad antecedent is reported against the petitioner, 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, Papanasam.

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

(ii) the petitioner is directed to deposit a sum of **Rs.4,000/- (Rupees Four Thousand only)** to the credit of the Head Mistress, MDU East PU Primary School, Y.Othakadai, Madurai (SBI Bank, CIF No.80080760812, A/c No.10111536270, IFSC No.SBIN0002246), Phone No.2422950, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties;

(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 Special Court/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

sd/-

25/11/2022

/ TRUE COPY /

25/11/2022

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



DSS

Note : In view of the present lock down owing to COVID-19 pandemic, 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.

TO

1. The Judicial Magistrate,
Papanasam.
2. Do-Through The Chief Judicial Magistrate,
Thanjore District at Kumbakonam
3. The officer incharge,
Sub Jail, Papanasam.
4. The Inspector of Police,
Kabisthalam Police Station, Thanjavur
District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to

The Head Mistress,
MDU East PU Primary School,
Y.Othakadai, Madurai

+1. CC to M/S.SUYAMBULINGA BHARATHI K Advocate SR.No.13685

CRL OP(MD) No.20867 of 2022
Date :25/11/2022

KB(25.11.2022) 3P 8C