



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

Date : 06/12/2022

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD). No.21382 of 2022

WEB COPY

Ajithkumar

... Petitioner/Accused No.1

Vs

The State rep.by
The Inspector of Police,
Melattur Police Station,
Thanjavur District.
(Crime No.723 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Dhilipan Pandian R L,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in crime No.723 of 2022 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner who was arrested and remanded to judicial custody on 18.11.2022 for the offence punishable under Sections 379 IPC and Section 21(4) of MMDR Act in Crime No.723 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 18.11.2022 the petitioner and other accused have transported one unit of river sand illegally by using Swaraj Mazda vehicle. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and his name has been been falsely implicated in this case.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the the petitioner and other accused have transported one unit of river sand worth about Rs.15,000/- illegally. He would further submit that the petitioner is having one previous case and hence, he strongly opposed to grant bail to the petitioner.



5. Taking into consideration of the facts and submissions made by the learned counsels and that the petitioner is in judicial custody from 18.11.2022, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute 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 No.III, Thanjavur**, and on further conditions that:

(b) petitioner is directed to deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) as non refundable deposit to the credit of the concerned District Mineral Foundation Trust, without prejudice to his rights and contentions before the trial Court.

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

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

(e) the petitioner shall not commit any offences of similar nature;

(f) the petitioner shall not abscond either during investigation or trial;

(g) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(h) on breach of any of the aforesaid conditions, the learned Judicial 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];

(i) if the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

06/12/2022

(*) BEING MENTIONED, AS PER THE ORDER OF THIS HONOURABLE COURT DATED 08/12/2022 IN CRL OP(MD) NO.21382 OF 2022.

/ TRUE COPY /

08/12/2022

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



TO

TO BE SUBSTITUTED WITH THE ORDER DATED 06/12/2022 ALREADY DESPATCHED.

WEB COPY

- 1 THE JUDICIAL MAGISTRATE NO.III,
THANJAVUR.
- 2 THE JUDICIAL MAGISTRATE NO.II,
THANJAVUR.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 4 THE OFFICER INCHARGE,
SUB JAIL, THANJAVUR.
- 5 THE INSPECTOR OF POLICE,
MELATTUR POLICE STATION,
THANJAVUR DISTRICT.
- 6 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) No.21382 of 2022

Date :06/12/2022

TRP
RS/BUC/SAR.1/07.12.2022/3P/7C
trp
USK/SSS/SAR- /08.12.2022/3P/8C