



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

Tuesday, the Twenty First day of February Two Thousand and Twenty
Three

WEB COPY

PRESENT

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

CRL OP(MD) . No.3280 of 2023

A.John Kennady

... Petitioner/Sole Accused

Vs

State rep. by,
The Inspector of Police,
Thanjavur West Police Station,
Thanjavur District
(Crime No.164 of 2023)

... Respondent/Complainant

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

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.164 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 04.02.2023 for the offence punishable under Section 379 IPC r/w Section 21(1) of Mines and Minerals (Development and Regulation) Act in Crime No.164 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 04.02.2023, the petitioner committed a theft of ½ unit of river sand by using bullock cart. Hence, the complaint.

3.The learned counsel appearing 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 custody from 04.02.2023 and hence, he would seek for bail.



4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner committed a theft of $\frac{1}{2}$ unit of river sand using a bullock cart and he has got four previous cases. Hence, he opposed for grant of bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner would submit that without prejudice, the petitioner is ready and willing to deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) to any welfare scheme.

6. Heard. Perused the materials available on record including the First Information Report.

7. Taking into consideration of the facts and submissions made by the learned counsels and also taking into consideration the period of incarceration, 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 Court No.I, Thanjavur, Thanjavur District, and on further conditions that:

(b) the petitioner shall deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) as non refundable deposit by way of Demand Draft/RTGS/NEFT to the Madurai Bench of Madras High Court Bar Association (MMBA), Indian Bank A/c No.496035460, Madurai and that the receipt of such deposit shall be produced before the concerned Magistrate at the time of executing the bond;

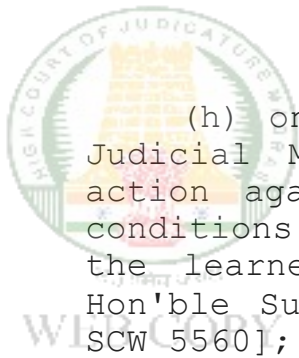
(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(d) the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter, every Saturday 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/-

21/02/2023

/ TRUE COPY /

/02/2023

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

SJI

TO

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

COPY TO
THE OFFICER INCHARGE,
MADURAI BENCH OF MADRAS HIGH COURT BAR
ASSOCIATION (MMBA), MADURAI.

+1. CC to M/S.R.L.DHILIPAN PANDIAN Advocate SR.No.2657(I)

ORDER

IN

CRL OP(MD) No.3280 of 2023

Date :21/02/2023