



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 27/02/2023
PRESENT

WEB COPY

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

CRL OP(MD) . No.3584 of 2023

K.Govindharajan

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Thanjavur Town West Police Station,
Thanjavur District.
Crime No.194 of 2023.

... Respondent/Complainant

For Petitioner : Mr.DHILIPAN PANDIAN
Advocate.

For Respondent : Mr.T.SENTHIL KUMAR,
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No.194 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 01.02.2023 for the offence punishable under Section 379 IPC and 21(1) Mines and Minerals Act in Crime No.194 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant is that the petitioner is said to have illegal transported $\frac{1}{4}$ unit of river sand in bullock cart. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case and he has been in judicial custody from 01.02.2023. He would seek for bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner has illegally transported $\frac{1}{4}$ unit of river sand in bullock cart and the petitioner is having 4 previous cases to his credit and he would object for grant of bail.



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

6. 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 **Judicial Magistrate NO.I, Thanjavur, Thanjavur District**, and on further conditions that:

[b] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[c] **the petitioner shall report before the respondent Police Station daily at 10.30 a.m until further orders.**

[d] the petitioner shall not commit any offences of similar nature.

[e] the petitioner shall not abscond either during investigation or trial.

[f] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[g] 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].

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

27/02/2023

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27/02/2023

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



CM

TO

1 THE JUDICIAL MAGISTRATE NO.I,
THANJAVUR, THANJAVUR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE OFFICER INCHARGE,
SUB JAIL, THANJAVUR, THANJAVUR DISTRICT.

4 THE INSPECTOR OF POLICE,
THANJAVUR TOWN WEST POLICE STATION,
THANJAVUR DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.DHILIPAN PANDIAN R.L. Advocate SR.No.2939

ORDER

IN

CRL OP(MD) No.3584 of 2023

Date :27/02/2023

SA/SSS/SAR. /27.02.2023/3P/7C