



WEB COPY

CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 28/02/2023
PRESENT

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

CRL OP(MD) . No.3805 of 2023

Kalimuthu

... Petitioner/Accused No.1

Vs

The State rep.by
The Inspector of Police,
Thiruchitrambalam Police Station,
Thanjavur District.
Crime No.55 of 2023.

... Respondent/Complainant

For Petitioner : Mr.D.MURUGESAN,
Advocate.

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

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

PRAYER :- For Bail in Cr.No.55 of 2023 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 12.02.2023 for the offence punishable under Section 379 IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act in Crime No.55 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and other accused have transported ¼ unit of river sand illegally by using bullock cart. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner has taken sand for his personal consumption and he has not done with any business motive. He would further submit that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he seeks for bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner and other accused have transported ¼ unit of river sand illegally by using bullock cart and



he has got four previous cases, out of which, three cases are similar in nature. Hence, he opposed for grant of bail to the petitioner.

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, 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, Peravurani, 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 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/-

28/02/2023

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28/02/2023

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



SJI

TO

1 THE JUDICIAL MAGISTRATE,
PERAVURANI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT.

3 THE OFFICER INCHARGE,
SUB JAIL, THANJAVUR.

4 THE INSPECTOR OF POLICE,
THIRUCHITRAMBALAM POLICE STATION,
THANJAVUR DISTRICT.

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

ORDER

IN

CRL OP(MD) No.3805 of 2023

Date :28/02/2023

SA/SSS/SAR. /28.02.2023/3P/6C