



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.03.2023

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P (MD) No.4098 of 2023

WEB COPY

Backiyanathan

...Petitioner/Accused No.11

-vs-

The State represented by
The Inspector of Police,
Cumbum South Police Station,
Cumbum-625 516, Theni District.
(in Cr.No.41 of 2023)

...Respondent/Complainant

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

PRAYER :-

For Bail in Crime No.41 of 2023 on the file of the Respondent Police.

For Petitioner : Mr.M.Karuppasamy Pandian

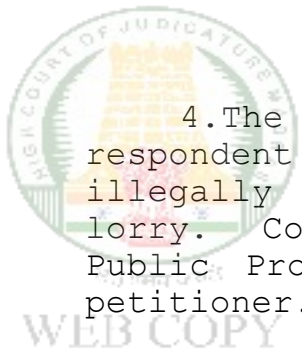
For Respondent : Mr.T.Senthil Kumar
Additional Public Prosecutor

O R D E R

The petitioner, who was arrested and remanded to judicial custody on 21.02.2023 for the offences punishable under Sections 379 IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.41 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution, as per the de-facto complainant, is that the accused persons were found to be illegally transporting 12 units of karambai sand by using Tipper Lorry and hence, the case.

3.The learned Counsel appearing for the petitioner would submit that the petitioner is an innocent and a false complaint has been given. He would further submit that the petitioner has not committed any offence, as alleged by the prosecution and he is ready to abide by any stringent conditions, that may be imposed on him. Hence, he would seek for bail to the petitioner.



4.The learned Additional Public Prosecutor appearing for the respondent would submit that the accused persons were found to be illegally transporting 12 units of karambai sand by using tipper lorry. Considering the gravity of offence, the learned Additional Public Prosecutor would vehemently oppose to grant bail to the petitioner.

5.In reply, the learned counsel for the petitioner would submit that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court and without prejudice to his defence, he is also ready to make a donation of Rs.10,000/- for any welfare scheme of the Government. Hence he seeks bail.

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, Uthamapalayam, Theni District, and on further conditions that:

(b) the petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) as non refundable deposit by way of Demand Draft/RTGS/NEFT to the concerned District Mineral Foundation Trust 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., 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 petitioners 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



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

sd/-
03/03/2023

/ TRUE COPY /

WEB COPY

03/03/2023

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

CMR

TO

1. THE JUDICIAL MAGISTRATE, UTHAMAPALAYAM, THENI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI.
- 3 THE INSPECTOR OF POLICE,
CUMBUM SOUTH POLICE STATION,
CUMBUM-625 516, THENI DISTRICT.
- 4 THE OFFICER IN CHARGE,
THENI DISTRICT PRISON,
THEKAMPATTI VILLAGE, THENI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE OFFICER IN CHARGE,
DISTRICT MINERAL FOUNDATION TRUST,
THENI DISTRICT.

+1 CC to M/s.M.KARUPPASAMY PANDIAN, Advocate (SR-3290[I] dated
03/03/2023)

ORDER
IN
CRL OP(MD) No.4098 of 2023
Date : 03/03/2023

RK/SBN/SAR- (03/03/2023) 3P/8C