



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

Date : 28/04/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.8416 of 2023

Mohan Kumar

... Petitioner / Sole Accused

Vs

The State rep by
The Inspector of Police,
Budalur Police Station,
Thanjavur District.
(Crime No. 123 of 2023.)

... Respondent / Complainant

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

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No. 123 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 18.11.2022 for the offences under Sections 379 of IPC r/w. 21(1) of MMDR Act in Crime No.123 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner illegally transported $\frac{1}{4}$ unit of river sand in a bullock cart. Hence, the compliant.

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

4. Taking into consideration of the facts and submissions made by the learned counsels and also the period of incarceration, this court is inclined to grant bail to the petitioner, subject to the following conditions:

<https://www.hcgm.gov.in/dis>



5. Accordingly, the petitioner is ordered to be released on bail on executing 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 learned Judicial Magistrate, Thiruvaiyaru, Thanjavur District and on further conditions that :-

[a] 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.

[b] the petitioner shall make a non refundable deposit of Rs.5,000/- (Rupees Five Thousand only) to the credit of the Chairman/District Collector, District Mineral Foundation Trust of the concerned District, without prejudice to his defence before the trial Court and on such deposit being made, the learned Judicial Magistrate shall accept the sureties furnished by the petitioner.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

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

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

[f] On breach of any of the aforesaid conditions, the learned 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].

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

sd/-
28/04/2023

/ TRUE COPY /

28/04/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PS

To

1. The Judicial Magistrate,
Thiruvaiyaru, Thanjavur District.

<https://www.mhctn.gov.in/judis>



2.Do through the Chief Judicial Magistrate,
Thanjavur District at Kumbakonam.

3.The Inspector of Police,
Budalur Police Station,
Thanjavur District.

4.The Officer Incharge,
Sub Jail, Thanjavur.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to:

The Chairman / District Collector,
District Mineral Foundation Trust,
Thanjavur District.

+1 CC to M/s.DHILIPAN PANDIAN.R.L, Advocate (SR-7067[I] dated
28/04/2023)

ORDER
IN
CRL OP(MD) No.8416 of 2023
Date :28/04/2023

ED/CG/SAR- (28/04/2023) 3P 8C