



CRL OP(MD). No.17509 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/09/2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

CRL OP(MD). No.17509 of 2023

M.Mathankumar @ Madhankumar,
Vs

... Petitioner/Sole Accused

The Inspector of Police,
Thiruvaiyaru Police Station,
Thanjavur District.
Crime No. 296/2023.

... Respondent/Complainant

For Petitioner : M/s. DHILIPAN PANDIAN.R.L., Advocate.

For Respondent : Mr.S.RAVI, Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No. 296 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 17.09.2023 for the offences punishable under Sections 379 & 304(A) of IPC r/w 21 (1) of Mines and Minerals (Regulations and Development) Act, 1957, in Crime No.296 of 2023 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that on 16.09.2023, the petitioner along with the deceased involved in illegal transportation of river sand using bullock cart. At that time, on seeing the police parties, the petitioner driven the above said bullock cart in rash and negligent manner. Due to which, the deceased spell down from the bullock



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cart and died on the spot. Hence, the complaint.

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3. The learned counsel for the petitioner would contend that the petitioner is innocent and a false case has been foisted against him. The petitioner is no way connected with the above said occurrence.

4. The learned Additional Public Prosecutor would submit that there is no previous case against the petitioner. The petitioner along with deceased involved illegal transportation of $\frac{1}{4}$ unit river sand in bullock cart. The petitioner driven the bullock cart in rash and negligent manner. Hence, the above said incident taken place. Hence, he opposed the grant of bail.

5. Heard both side and perused the materials available on record.

6. Considering the rival submissions on either side, considering the facts and circumstances of the case, considering the fact that there is no previous case and also considering the period of incarceration, I am 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, Thiruvaiyaru, Thanjavur District and on further conditions that:



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[b] the petitioner shall report before the respondent police, daily at 10.30 A.M. for a period of thirty days, thereafter as and when required for interrogation.

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

[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 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].

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

sd/-
29/09/2023

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29/09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TM
TO
1 THE JUDICIAL MAGISTRATE,
THIRUVAIYARU, THANJAVUR DISTRICT.

<https://www.mhc.tn.gov.in/judis>



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

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

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

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

+1 CC to M/s.R..L.DHILIPAN PANDIAN, Advocate (SR-14483[I] dated
29/09/2023)

ORDER IN
CRL OP(MD) No.17509 of 2023
Date :29/09/2023

SA/SAR. /29.09.2023/4P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.