



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

Monday, the Nineteenth day of November Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20518 of 2018

1 JOHNVINSILAS

2 CHARLES

... PETITIONERS / ACCUSED NO.1 & 2

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
KALAIYARKOVIL POLICE STATION,
SIVAGANGAI DISTRICT.
IN CRIME NO. 672 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioners : MR.D.MANIKANDAN Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.Side)

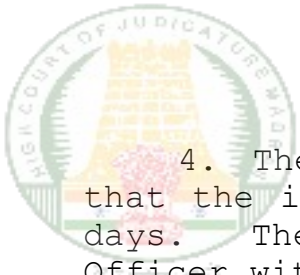
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners were arrested and remanded to judicial custody since 08.11.2018 for the offences punishable under Sections 294(b), 332, 379 of IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 and Section 3 of TNPPDL Act, in Crime No.672 of 2018, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the first petitioner is the driver and the second petitioner is the owner of the Tractor. While they had filled up the tractor with river sand and proceeding with the road, the defacto complainant along with group, on vehicle checkup, way laid the petitioners. At that time the petitioners did not stop the vehicle and caused injuries to one Silambarasan. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case and the petitioners are not in the scene of occurrence.



4. The learned Government Advocate (Crl. side) would submit that the injured person had taken treatment as inpatient for three days. The defacto complainant working is Village Administrative Officer witnessed the occurrence.

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5. Considering the facts and circumstances of the case and also considering the period of incarceration of the petitioners and also considering the vehicle involved in this case, this Court is inclined to grant bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Sivagangai, Sivagangai District and on further condition that:

[a] the petitioners shall report before the respondent police daily at 10.30.a.m. until further orders.

[b] the petitioners shall not abscond either during investigation or trial.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners 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 SCW 5560].

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

sd/-

19/11/2018

/ TRUE COPY /

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

TO

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

2 -DO- THROUGH THE CHIEF
JUDICIAL MAGISTRATE, SIVAGANGAI.

3 THE INSPECTOR OF POLICE,
KALAIYARKOVIL POLICE STATION,
SIVAGANGAI DISTRICT.



4 THE OFFICER INCHARGE,
SUB JAIL, SIVAGANGAI.

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

+1. CC to M/S.D.MANIKANDAN Advocate SR.No. 21699

ORDER
IN
CRL OP(MD) No.20518 of 2018
Date :19/11/2018

JM/VR MMS/SAR 3/19.11.2018/3P/7C