

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
 (Criminal Jurisdiction)
 Wednesday, the Twenty Ninth day of May Two Thousand Nineteen
 PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.7426 of 2019

1 JESUPANDI
 2 VINOTHRAJA

... PETITIONERS / ACCUSED
 No. 1 and 2

Vs

THE STATE REP.BY
 THE INSPECTOR OF POLICE,
 THIRUPPALAIKUDI POLICE STATION,
 RAMANATHAPURAM DISTRICT.
 CR. NO.58/2019

... RESPONDENT/COMPLAINANT

For Petitioners : Mr.D.RAMESHKUMAR Advocate

For Respondent : Mr.R.ANANDARAJ, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused Nos.1 & 2, were arrested and remanded to judicial custody on 20.05.2019 for the offences punishable under Section 379 of I.P.C. and 3 of PPDL Act read with 21(iv) of Mines and Minerals Act, 1957 in Crime No.58 of 2019, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioners are alleged to have transported the river sand illegally by using four wheeler and damaged the river bed. Thus, on complaint, a case has been registered against the petitioner.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution and their name has been falsely implicated in this case.

4.The learned Additional Public Prosecutor appearing for the respondent police submitted that the property, which was used for commission of offence, was recovered and the investigation is not yet completed.

5.The submissions made by the learned counsel on either side are considered.

6. Initially, since the property used for the commission of offence was recovered already, further detention is not necessary for completing investigation, further the petitioner is in judicial custody from 23.04.2019. Hence, in the said circumstances, I am of the opinion that this is a fit case for granting bail. Accordingly, the **petitioner is ordered to be released on bail** subject to some stringent conditions:

(i) the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Ramanathapuram, Ramanathapuram District.

(ii) the sureties shall submit a copy of their Aadhar card or any other Identity cards issued by the Government, in proof of their address, along with the surety bonds.

(iii) The petitioners shall deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) to the credit of Crime No.58 of 2019 before the learned Judicial Magistrate No.I, Ramanathapuram, Ramanathapuram without prejudice to their defence before the trial Court.

(iv) the petitioners shall stay at Madurai and report before the Inspector of Police, Annanagar Police Station, daily at 10.00 a.m., for a period of 3-weeks and thereafter, as and when required for interrogation.

(v) the petitioners shall not tamper with the evidence or witness either during investigation or trial;

(vi) the petitioners shall co-operate for the investigation and the trial. The petitioners shall not abscond either during investigation or trial and in event of the petitioners abscond, the respondent police shall register a case as provided under Section 229-A of I.P.C.

(vii) on breach of any of the aforesaid conditions, the 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 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]**.

sd/-
29/05/2019

/ TRUE COPY /

TO

1. THE JUDICIAL MAGISTRATE NO I,
RAMANATHAPURAM,
RAMANATHAPURAM DISTRICT.
 2. THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
 3. THE INSPECTOR OF POLICE,
THIRUPPALAIKUDI POLICE STATION,
RAMANATHAPURAM DISTRICT.
 4. THE INSEPCTOR OF POLICE
ANNA NAGAR POLICE STATION, MADURAI.
 5. THE OFFICER INCHARGE,
DISTRICT PRISON, RAMANATHAPURAM.
 6. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.D.RAMESHKUMAR Advocate SR.No.8843

ORDER
IN
CRL OP(MD) No.7426 of 2019
Date :29/05/2019

TK/MMS/SAR-4/30.05.2019/3P/8C

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