



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

Friday, the Seventh day of June Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) No.7493 of 2019

1 PANDI
2 MUNIYASAMY
3 AJITHKUMAR
4 UDHAYABHARATHI

... PETITIONERS / ACCUSED 1,2,4 & 5

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
PARHTIBANOOR POLICE STATION,
RAMANATHAPURAM DISTRICT.
CRIME NO.85 OF 2019

... RESPONDENT / COMPLAINANT

For Petitioner : MR.K.R.LAXMAN Advocate

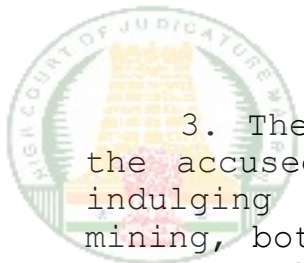
For Respondent : Mrs.M.ANANTHA DEVI, Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

This petition has been filed by the Accused-1,2,4 and 5 seeking bail for the alleged offence under Sections 147,148,294(b), 352 and 506(ii) of IPC.

2.The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He further submitted that the defacto complainant and his associates tried to take river sand and when the same was questioned and intercepted, the defacto complainant lodged a false complaint against the petitioners. He further submitted that the first petitioner has also lodged a complaint against the defacto complainant and his associates, based on the same a counter case has also been registered. He further submitted that no one sustained injuries in the said occurrence. He further submitted that the petitioners are in custody from 12.05.2019. Hence he prayed for grant of bail to the petitioner.



3. The learned Government Advocate(Crl.side) would submit that the accused party and the defacto complainant party are regularly indulging in sand mining and due to some dispute regarding sand mining, both the parties have lodged complaints against their rival groups and based on the same a case and counter case have been registered. She further submitted that the first petitioner is having four previous cases under sand mining and the second petitioner is having three cases under sand mining and the fourth petitioner is having one case under POCSO Act and as against defacto complainant two cases are pending. She would also submit that if the petitioners are released on bail, they may indulge in sand mining and opposed for grant of bail

4. Taking into consideration the facts and circumstances of the case and also considering the fact that no one sustained injuries in the said occurrence and also considering the fact that the petitioners are in custody from 12.05.2015, this Court is inclined to grant bail to the petitioners by imposing conditions:

[a] the petitioners are ordered to be released on bail on his 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 Judicial Magistrate, Paramakudi.

[b] the petitioners shall report before the Respondent Police, daily at 10.30 A.M for a period of One Month and thereafter, as and when required for the interrogation.

[c] the petitioners shall not abscond either during investigation or trail.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trail.

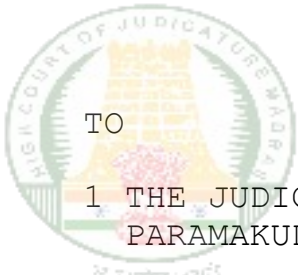
[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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

sd/-
07/06/2019

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE,
PARAMAKUDI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.

3 THE INSPECTOR OF POLICE,
PARHTIBANOOR POLICE STATION,
RAMANATHAPURAM DISTRICT.

4 THE OFFICER INCHARGE,
DISTRICT PRISON, RAMANATHAPURAM.

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

+1. CC to M/S.G.VISHNURAM, Advocate SR.No. 9245

ORDER

IN

CRL OP (MD) No.7493 of 2019

Date :07/06/2019

JM/VR/SAR 3/07.06.2019/3P/7C