



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

Thursday, the Sixth day of June Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) No.7652 of 2019

S.BABU

... PETITIONER /SOLE ACCUSED

Vs

STATE REP. BY
THE SUB INSPECTOR OF POLICE,
K.PARAMATHI POLICE STATION,
KARUR DISTRICT.
(CRIME NO.83/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.V.THILLAI KUMAR Advocate

For Respondent : MR.V.NEELAKANDAN, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

This petition has been filed by the Sole Accused seeking bail for the alleged offence punishable under Section 21(i) Mines and Minerals (Development and Regulation) Act and 379 of I.P.C in Crime No.83 of 2019.

2.Heard both sides.

3.The learned counsel for the petitioner has submitted that the petitioner is an innocent person and he has been falsely implicated the above case. He further submitted that the petitioner has been arrested by the respondent police on 27.04.2019 and from that day onwards, he is in custody and hence, he prayed to grant bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent police has submitted that the petitioner and other accused persons have illegally transported the five units of sand and there is no case pending against the petitioner and hence, he strongly opposed this petition.

5.Taking into consideration of the fact that no previous case is pending against the petitioner and also the fact that the quantity of sand said to have been illegally transported is five



units and also the fact that the petitioner is in custody from 27.04.2019, this Court is inclined to grant bail to the petitioner by imposing conditions.

[a] the petitioner is ordered to be released on bail on his 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 the learned Judicial Magistrate No.II, Karur;

[b] The petitioner shall deposit a sum of Rs.60,000/- (Rupees Sixty Thousand only) to the credit of Crime No.83 of 2019 before the learned Judicial Magistrate No.II, Karur, without prejudice his defence before the trial Court;

[c] the petitioner as well as 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;

[d] the petitioner shall report before the respondent police daily at 10.00 a.m., for a period of three weeks and thereafter as and when required for the interrogation;

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

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

[g] 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].

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

sd/-

06/06/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.II,
KARUR.

2 TO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR.



3 THE SUB INSPECTOR OF POLICE,
K.PARAMATHI POLICE STATION,
KARUR DISTRICT.

4 THE OFFICER INCHARGE,
DISTRICT PRISON, KARUR.

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

+1. CC to MR.V.THILLAI KUMAR Advocate SR.No. 9173

ORDER

IN

CRL OP (MD) No.7652 of 2019

Date :06/06/2019

JM/VR/SAR 1/06.06.2019/3P/7C