



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 07/06/2019

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PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.7761 of 2019

1. Manickam

2. Satheeshkumar

...Petitioners/Accused No.2 & 3

Vs

State Rep.By

The Inspector of Police,

Velayuthampalayam Police Station,

Karur District.

Crime No.151 of 2019

... Respondent/Complainant

For Petitioners : M/s.P.Gokulnaath,
Advocate.

For Respondent : M.Anantha Devi,
Govt.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-2 and 3 seeking bail for the alleged offence under Section 379 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 submit that there are totally eight accused in this case. He would further submit that the petitioners herein are lorry drivers and they have not committed any offence as alleged by the prosecution. Hence he prayed for bail to the petitioners.

3. The learned Government Advocate(Crl.Side) would submit that the petitioners have illegally transported four units of river sand. She fairly conceded that no other case is pending against the petitioners. 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 the petitioners are in custody from 04.05.2015, this Court is inclined to grant bail to the petitioners by imposing conditions. Accordingly, the each of the



petitioners shall deposit a sum of Rs.60,000/- (Rupees Sixty thousand only) (totally Rs.1,20,000/- (Rupees One lakh and Twenty thousand) to the credit in Crime No. 151 of 2019 before the learned Judicial Magistrate No.II, Karur and thereafter sureties shall be accepted and on further conditions that:

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[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 No.II, Karur.

[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

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

TO

1. THE JUDICIAL MAGISTRATE NO.II, KARUR.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
3. THE OFFICER INCHARGE, SUB JAIL,
KARUR DISTRICT.
4. THE INSPECTOR OF POLICE,
VELAYUTHAMPALAYAM POLICE STATION,
KARUR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.P.GOKULNAATH Advocate SR.No.9212

ORDER

IN

CRL OP(MD) No.7761 of 2019

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