



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/08/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.11480 of 2019

Muthuraja

... Petitioner/1st Accused

Vs

The State rep.by
The Inspector of Police,
K.Paramathi Police Station,
Karur District.
Crime No. 138 of 2019.

... Respondent/Complainant

For Petitioner : M/s.M.Viji,
Advocate.

For Respondent : Mr.A.P.G.Ohm Chairma Prabhu,
Government Advocate (Crl.Side)

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

PRAYER :-

For bail in Crime No. 138 of 2019 on the file of the
respondent police

ORDER : The Court Made the following order :-

Memo filed by the petitioner herein is recorded. This petition has been filed by the Accused seeking bail for the alleged offence punishable under Section 379 of IPC r/w Section 21 (1) (a) (b) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.138 of 2019.

2.Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that that as per the FIR, the petitioner herein has illegally transported four units of river sand by using Lorry. He further submitted that the petitioner is not having any bad antecedents and the petitioner is in custody from 23.07.2019. He



further submitted that the petitioner's wife is facing the first delivery at this week and he also produced the scan report of the petitioner's wife before this Court, and hence, he prayed for grant of bail to the petitioner.

4.Per contra, the learned Government Advocate (Crl.Side) appearing for the respondent has submitted that the petitioner has transported four units of sand without any valid permission. Hence, he opposed this petition. However, he fairly conceded that no similar type of case is pending against the petitioner.

5.Taking into consideration of the fact that no previous case is pending against the petitioner and also fact that he is in custody from 23.07.2019, this Court is inclined to grant bail to the petitioner with certain 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, Aravakurichi, Karur District.

[b] the petitioner shall report before the respondent police daily at 10.00.a.m for a period of one month and thereafter, as and when required for the interrogation.

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

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

[e] 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].

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

sd/-
16/08/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE,
ARAVAKURICHI, KARUR DISTRICT.

2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.

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

4. THE SUPERINTENDENT,
CENTRAL, TRICHY.

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

+1. CC to Mr.M.VIJI Advocate SR.No.13600

ORDER

IN

CRL OP(MD) No.11480 of 2019

Date : 16/08/2019

dss

TK/VR/SAR.3/16.08.2019/3P/7C