



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/03/2020

WEB COPY

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.4263 of 2020

VELMURUGAN

... PETITIONER/1st ACCUSED

VS

STATE REP. BY
THE INSPECTOR OF POLICE,
K.PARAMATHI POLICE STATION,
KARUR DISTRICT.
CRIME NO.31 OF 2020.

... RESPONDENT/COMPLAINANT

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

For Respondent : Mr.S.Chandarasekar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.31 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner is facing charge for the offences under section 379 of I.P.C. r/w Section 21(1)(a)(b) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.31 of 2020, and he was arrested on 13.02.2020, for illegally transporting two units of river sand in his Swaraj Mazda Goods Lorry bearing Regn.No.TN-72-BP-9520. The petitioner has bad antecedent and he, along with load man, has illegally mined two units of sand and transported it.

2.The learned counsel appearing for the petitioner would submit that the load man was already granted bail by the Court below.

3.However, on perusing the records, this Court finds that the service station owner, being owner of the vehicle, played a greater role



in the crime and considering the ramp of illegal mining of river sand in the part of the Karur District, this Court is inclined to grant bail to the petitioner herein.

4. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.1,00,000/- (Rupees One lakh only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Aravakurichi, Karur District;

[a] the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

[b] the petitioner shall deposit a sum of Rs.1,20,000/- (Rupees One Lakh and Twenty Thousand only) to the credit of Crime No.31 of 2020 before the learned Judicial Magistrate, Aravakurichi, Karur District, without prejudice his defence before the trial Court;

[c] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

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

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

[f] 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].

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

sd/-
09/03/2020

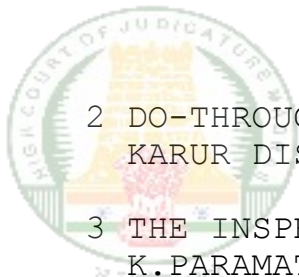
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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE,
ARAVAKURICHI, KARUR DISTRICT.

<https://hcservices.ecourts.gov.in/hcservices/>



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

3 THE 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 M/s.SANKAR, Advocate (SR-4958[I] dated 09/03/2020)

ORDER
IN
CRL OP(MD) No.4263 of 2020
Date :09/03/2020

SJI
JM/PN/SAR 2/09.03.2020/3P/7C