



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

Date : 22/05/2020

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN
CRL OP(MD) . No.5290 of 2020

Saminathan

... Petitioner/4th Accused

Vs

The Inspector of Police,
Jambunathapuram Police Station, Trichy
District.

(Crime No.178 of 2020).

... Respondent/Complainant

For Petitioner : M/s.S.Gokulraj,
Advocate.

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

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

PRAYER :-

For Bail in Crime No. 178 of 2020 on the file of the
respondent Police.

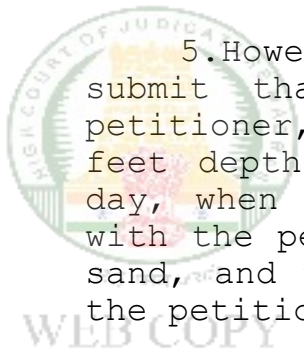
ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the
learned Additional Public Prosecutor appearing for the respondent.

2. The petitioner is arrayed as accused No.4. He was arrested
and remanded to Judicial Custody on 17.04.2020 for the offences
punishable under sections 304(ii), 379 IPC r/w 21(1) of Mines and
Minerals (Development and Regulation) Act, 1957 in Crime No.178 of
2020 on the file of the respondent police. He seeks bail.

3. On 17.04.2020, when A1, A2 and A3 along with one Singaravelu
went to the land under the control of the this petitioner to
illegally mine the sand. The land slid in which, the said
Singaravelu got grave into the land and died. A2 and A3 are still
absconding. The police has arrested A1, who was present in the
scene of occurrence and took the deceased Singaravelu to the
hospital.

4. The learned counsel for the petitioner would submit that the
petitioner is neither owner of the land nor involved in the illegal
mining.



5.However, the learned Additional Public Prosecutor would submit that the land which is, under the management of the petitioner, has been used to excavate the sand illegally. Nearly 20 feet depth has already been excavated illegally. On the fateful day, when the accused Nos.1 to 3 along with the said Singaravelu, with the permission of this petitioner, who is A4, went to excavate sand, and the deceased Singaravelu died due to land slide. Hence, the petitioner is a party to crime.

6.Considering the rival submissions and the fact that the petitioner is in prison since 17.04.2020 and substantial part of the investigation been over and one of the accused, who also sustained injury in the said process of crime, is in hospital, I am inclined to enlarge the petitioner on bail with certain conditions. Accordingly the petitioner is ordered to be released on bail by the Prison Superintendent, Central Prison, Trichy on own bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) and the petitioner shall,

i)furnish with two sureties for likesum within one month from the date of release, to the satisfaction of the Judicial Magistrate No.II, Thuraiyur, Trichirappalli District and on further condition that,

ii)the petitioner shall report before the respondent police daily on 10.30 a.m., until further orders.

iii)the petitioner shall not tamper with evidence or witness.

iv) the petitioner shall not abscond during trial.

v)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].

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
22.05.2020

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

GNS

TO

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

1.The Superintendent, Central Prison, Trichy.



2. The Judicial Magistrate No.II,
Thuraiyur, Trichirappalli District

3. Through The Chief Judicial Magistrate,Trichy.

4.TheInspector of Police,
Jambunathapuram Police Station,
Trichy District.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.5290 of 2020

Date : 22/05/2020

VB SKN SAR3 (21.05.2020) 3P 6C