



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/06/2020

WEB COPY

PRESENT

The Hon'ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.5680 of 2020

Ravikumar

... Petitioner/Accused

Vs

The State Rep. by its
The Inspector of Police,
Thottiyam Police Station,
Trichy District.
(Crime No.840 of 2020).

... Respondent/Complainant

For Petitioner : M/s.A.Joel Paul Antony,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.840 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

This petition has been filed by the petitioner/ accused No.1 seeking bail for the alleged offence punishable under Sections 379,188,269,270,271 of IPC ad Section 3 of Epidemic Diseases Act 1897 r/w.Section 21(1) of Mines and Minerals Act.

2.The case of the prosecution is that on 12.05.2020 during the lock down period the petitioner has illegally transported 150 number of Arali stones in his tractor bearing Reg. No. TN 47 Y 7301 without any valid permission.

3. The petitioner was in incarceration from 13.05.2020. Being

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



the first time offender he seeks bail since he is in jail for the past 23 days.

4.The learned Government Advocate(Crl.Side) appearing for the State would submit that during lockdown period petitioner has illegally transported 150 number of Arali stones without any valid permission.

5.Considering the nature of the offence and quantity of stones involved, this Court is inclined to grant bail to the petitioner.

6.Accordingly the petitioner is ordered to be released on bail on his executing own bond for a sum of Rs.25,000/-(Rupees Twenty Five Thousand only) subject to the satisfaction of the Superintendent, Central Prison, Tiruchirappalli and on further condition that

i) the petitioner herein shall execute a bond for a sum of Rs.25,000/-with two sureties within 21 days from the date of release to the satisfaction of the learned Judicial Magistrate Court, Musiri

ii) the petitioner shall make a non refundable deposit of **Rs.5,000/-(Rupees Five thousand only)** to the credit of the Chairman/District Collector, District Mineral Foundation Trust of the concerned District, without prejudice to his defence before the trial Court and thereafter, the learned Judicial Magistrate shall accept the sureties furnished by the petitioner

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

iv) the petitioner shall not abscond during trial.

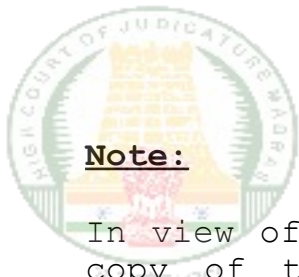
v)On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down 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/-
05/06/2020

/ TRUE COPY /

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



Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE, MUSIRI.
2. -DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE CHAIRMAN/DISTRICT COLLECTOR,
DISTRICT MINERAL FOUNDATION TRUST,
TRICHY DISTRICT.
4. THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
5. THE INSPECTOR OF POLICE,
THOTTIYAM POLICE STATION,
TRICHY DISTRICT.
6. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.A.JOEL PAUL ANTONY, Advocate (SR-5785[I] dated
05/06/2020)

ORDER
IN
CRL OP(MD) No.5680 of 2020
Date :05/06/2020

AAV
TE/VR/SAR-II : 05/06/2020 : 3P/8C