



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

Date : 12/06/2020

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN
CRL OP(MD) . No.6182 of 2020

1. Shivakumar
2. Vijikumar

... Petitioners/Accused Nos. 1 & 2

Vs

State Represented by
The Inspector of Police,
Pudhukadai Police Station,
Kanyakumari District
(In Crime No.258 of 2020). ... Respondent/Complainant

For Petitioner : M/s.G.Anto Prince,
Advocate.

For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

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

PRAYER :-

for Bail in Crime No.258 of 2020 on the file of the respondent police

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl. Side) appearing for the respondent.

2. The petitioners are arrayed as accused Nos.1 and 2. They were arrested and remanded to Judicial Custody on 24.05.2020 for the offence punishable under section 379 of I.P.C in Crime No.258 of 2020 on the file of the respondent police. They seek bail.

3. The petitioners are said to have illegally transported one unit of red sand and its value would about Rs.3,000/-. Taking note of the overall facts and circumstances, I am inclined to show indulgence to the petitioners.

4. Accordingly, the petitioners are ordered to be released on bail, subject to the following conditions;

(i) the petitioners shall be released on own bond by the Magistrate without insisting on sureties. However, the petitioners are directed to execute 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 No.II, Kuzhithurai, after the concerned Court is reopened on regular basis.

(ii) the petitioners are directed to appear before the respondent police as and when required for interrogation.

(iii) on breach of any of the aforesaid conditions, the 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 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].

sd/-
12.06.2020

/ TRUE COPY /

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

PM

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 No.II,
Kuzhithurai
2. -Do- Through The Chief Judicial Magistrate,
Kanniyakumari at Nagercoil.
3. The Officer Incharge, District Jail,
Nagercoil, Kanniyakumari District.
4. The Inspector of Police,
Pudhukadai Police Station, Kanyakumari
District (In Crime No.258 of 2020).
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN

CRL OP(MD) No.6182 of 2020
Date : 12/06/2020