



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/06/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice RMT. TEEKAA RAMAN

CRL OP(MD) . No.6547 of 2020

R.Justin Jose,

... Petitioner/Accused-3

Vs

The State of Tamilnadu
Rep.by The Sub Inspector of Police,
Karungal Police Station,
Kanyakumari District.

... Respondent/Complainant

For Petitioner : M/s.K.Ragatheesh Kumar,
Advocate.

For Respondent : V.Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime no.230 of 2020 on the file of the respondent police.

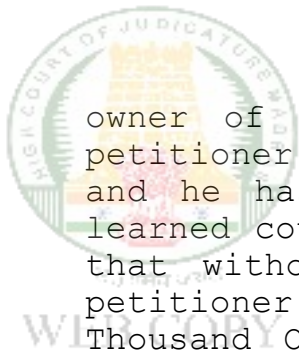
ORDER : The Court made the following order :-

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.3. He was arrested and remanded to Judicial Custody on 25.05.2020 for the offences punishable under section 379 of I.P.C., in Crime No.230 of 2020 on the file of the respondent police. He seeks bail.

3.The case of the prosecution is that the petitioner and other accused illegally transported two river sand in three vehicles with the help of Hittachi machine. Hence, a complaint.

4.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and that the petitioner is a



owner of one of the vehicle. He would further submit that the petitioner did not commit any offence as alleged by the prosecution and he has been falsely implicated in this case. Further, the learned counsel, on instructions from the petitioner, would submit that without any prejudice to his rights and contentions, the petitioner is ready to pay a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only), as non-refundable compensation, by way of Demand Draft, in favour of 'The Dean, Government Medical College and Hospital, Kanyakumari', for the purpose of providing facilities to the Health workers.

5.The learned Additional Public Prosecutor appearing for the State, on instructions, would submit that the vehicles, which was used for illegal transportation, were sized.

6.Considering the facts and circumstances of the case and also considering the fact that the petitioner is ready to pay a sum of Rs.25,000/- to the Medical College, Kanyakumari, I am inclined to enlarge the petitioner on bail with certain conditions.

(a) Accordingly, 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, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate, Eraniel, Kanyakumari District;

(b)The petitioner is directed to pay a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only), by way of Demand Draft, in favour of 'The Dean, Government Medical College and Hospital, Kanyakumari', on or before 07.07.2020, for the purpose of providing facilities to the Health workers, as non-refundable compensation, without prejudice his rights, since the Health workers put their lives at risk every day and play a critical role in preventing the spread of COVID-19 Pandemic;

(c)The sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(d)The petitioner shall report before the respondent Police daily at 10.00 a.m., until further orders, for interrogation;

(e)The petitioner shall not tamper with evidence or witness either during investigation or trial;

(f)The petitioner shall not abscond either during investigation or trial;

(g)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]***; and;

(h)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
23/06/2020

/ 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,
ERANIEL, KANYAKUMARI DISTRICT.
2. DO-THROUGH :THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3 THE SUB INSPECTOR OF POLICE,
KARUNGAL POLICE STATION,
KANYAKUMARI DISTRICT.
4. THE OFFICER INCHARGE,
NAGERCOIL JAIL.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE DEAN, GOVERNMENT MEDICAL COLLEGE AND HOSPITAL, KANYAKUMARI.

ORDER
IN
CRL OP(MD) No.6547 of 2020
Date :23/06/2020

GNS
AE/PN/SAR-III (23.06.2020) 3P 7C