



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

Date : 07/07/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.6743 of 2020

SOORIYAKALA

... PETITIONER/ACCUSED NO.3

VS

STATE REP. BY
THE INSPECTOR OF POLICE,
JEEYAPURAM POLICE STATION,
TIRUCHIRAPPALLI DISTRICT.
CR.NO. 816 OF 2020.

... RESPONDENT/COMPLAINANT

For Petitioner : M/s A.S.Vaigunth,
Advocate.

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

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

PRAYER :-

To release the Petitioner on bail in connection with Cr.no.816 of 2020 pending 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 Government Advocate(Crl. Side) appearing for the respondent.

2.The petitioner is arrayed as accused No.3. She was arrested and remanded to Judicial Custody on 01.06.2020 for the offences punishable under sections 379 of I.P.C., r/w Section 21(4) of Mines and Minerals (Regulation and Development) Act in Crime No.816 of 2020 on the file of the respondent police. She seeks bail.

3.The case of the prosecution is that the petitioner and other accused were said to have illegally transported half unit of sand. The case of the respondent has been registered.



4.The learned counsel for the petitioner would submit that the petitioner is an innocent person and she did not commit any offence as alleged by the prosecution.

5.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that investigation is pending.

6.Taking note of the above facts and circumstances of the case and also taking note of the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7.Accordingly, the petitioner is ordered to be released on bail on her executing a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate Court No.III, Tiruchirappalli.

i)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

ii)the petitioner shall report before the respondent police as and when required.

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/-
07/07/2020

/ 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



TO

1 THE JUDICIAL MAGISTRATE NO.III,
TIRUCHIRAPPALLI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHIRAPPALLI.

3 THE INSPECTOR OF POLICE
JEEYAPURAM POLICE STATION,
TIRUCHIRAPPALLI DISTRICT.

4 THE OFFICER INCHARGE,
WOMEN PRISON, TRICHY.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.6743 of 2020
Date :07/07/2020

GNS
JM/PN/SAR 3/07.07.2020/3P/6C