



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

Date : 01/07/2020

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PRESENT

The Hon'ble Dr.Justice G.JAYACHANDRAN

CRL OP (MD) . No.6918 of 2020

Vibin

... Petitioner/3rd Accused

Vs

The State rep. by,
The Sub Inspector of Police,
Puthukkadai Police,
Kanyakumari District.
Crime No. 298 of 2020.

... Respondent/Complainant

For Petitioner : M/s.S.C.Herold Singh,
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. 298 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 seeking bail for the alleged offence punishable under Section 379 of IPC.

2. The case of the prosecution is that the petitioner was illicitly transporting one unit of red soil was apprehended along with his vehicle bearing Reg. No. TN 75 C 1653.

3. The petitioner was in incarceration from 26.05.2020. Being the first time offender he seeks bail.

4. The learned Additional Public Prosecutor appearing for the State would submit that the petitioner were caught red handed while transporting soil. Vehicle was also seized along with the sand.



5. Taking note of the fact and the submission made by the learned Additional Public Prosecutor and also the period of incarceration, this Court is inclined to grant bail to the petitioner by imposing conditions.

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6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Kuzhithurai;

(a) the petitioner is directed to deposit a sum of Rs.3,000/- (Rupees Three thousand only) as non refundable deposit to the credit of the concerned District Mineral Foundation Trust, without prejudice to his rights and contentions before the trial Court.

(b) 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;

(c) the petitioner shall report before the respondent police as and when required for interrogation.

(d) the petitioner shall not abscond either during investigation or trial.

(e) the petitioner shall not tamper with evidence or witness either during investigation or trial.

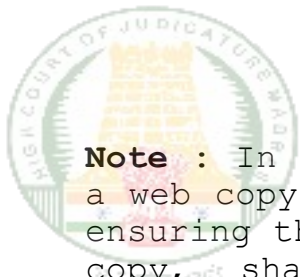
(f) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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

sd/-
01/07/2020

/ 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 concerned.

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TO

1. THE JUDICIAL MAGISTRATE NO.II,
KUZHITHURAI.
2. DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
KANNIYAKUMARI DISTRICT.
3. THE OFFICER IN CHARGE,
DISTRICT JAIL,
NAGERCOIL.
4. THE SUB INSPECTOR OF POLICE,
PUTHUKKADAI POLICE,
KANYAKUMARI DISTRICT.
5. THE AUTHORIZED OFFICER,
DISTRICT MINERAL FOUNDATION TRUST,
KANNIYAKUMARI DISTRICT.
6. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.6918 of 2020

Date :01/07/2020

AAV

SRS/ JC/ SAR-III/ 01.07.2020/ 3P/7C