



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/07/2020

WEB COPY

PRESENT

The Hon'ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.6967 of 2020

1. Govindasamy

2. A.Ravichandran

... Petitioners/Accused No.1&2

Vs

The State Rep. by
The Inspector of Police,
Manikandam Police Station,
Trichy District.
(Crime No. 509 of 2020)

... Respondent/Complainant

For Petitioners : M/s.B.Jameel Arasu, Advocate.

For Respondent : Mr.S.Chandarasekar,
Additional Public Prosecutor

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

PRAYER :-

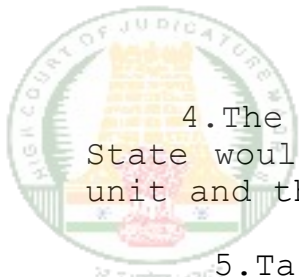
For Bail in Crime No.509 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners are arrayed as accused No.1 and 2. They were arrested and remanded to Judicial Custody on 06.06.2020 for the offences punishable under Section 379 of I.P.C. r/w 21(4) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.509 of 2020, on the file of the respondent police. They seek bail.

2.Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the State.

3.The case of the prosecution is that on 06.06.2020, each of the petitioners were illicitly transporting ½ unit of river sand without valid license. Hence, a case has been registered.



4.The learned Additional Public Prosecutor appearing for the State would submit that the total quantity of sand involved is one unit and the same was recovered by the respondent police.

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

6.Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.IV, Trichirappalli;

[a] 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;

[b]the petitioners shall deposit a sum of Rs.20,000/- (Rupees Twenty thousand only) each as non refundable deposit to the credit of the concerned District Mineral Foundation Trust, without prejudice to their rights and contentions before the trial Court ;

[c] the petitioners shall report before the respondent police as and when required for interrogation.

[d]the petitioners shall not abscond either during investigation or trial.

[e]the petitioners shall not tamper with evidence or witness either during investigation or trial.

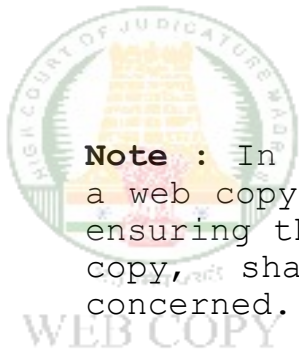
[f]On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down 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/-
03/07/2020

/ 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.

TO

1. THE JUDICIAL MAGISTRATE No.IV, TRICHY.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
4. THE INSPECTOR OF POLICE,
MANIKANDAM POLICE STATION,
TRICHY DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:-

THE OFFICER INCHARGE,
DISTRICT MINERAL FOUNDATION TRUST,
TRICHY DISTRICT.

ORDER
IN
CRL OP(MD) No.6967 of 2020
Date :03/07/2020

AAV
TE/VR/SAR-III : 03/07/2020 : 3P/7C