



WEB COPY

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

Date : 10/07/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7211 of 2020

Nirmal, ... Petitioner/Accused No.3

Vs

State rep.by its
The Inspector of Police,
Thuvakkudi Police Station,
Trichy District.
Crime No.901/2020,

... Respondent/Complainant

For Petitioner : M/s.B.Ramkumar Adityan,
Advocate.

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

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

PRAYER :-

For Bail in Crime No.901 of 2020 on the file of the
respondent police.

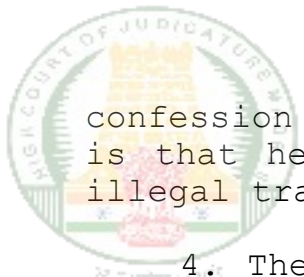
ORDER : The Court made the following order :-

The petitioner herein was arrested and remanded to judicial custody on 13.06.2020 for the alleged offences under Sections 379 of IPC r/w. Section 21(4) of Mines and Minerals (Development and Regulation) Act, 1957.

2. The case of the prosecution is that the A1 and A2 in this case were illegally transporting four units of river sand in a lorry bearing Reg. No.TN 28 Y 0608.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been implicated based on the

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confession given by A1. The only allegation against the petitioner is that he has informed the main accused who are involved in the illegal transportation of sand about the checking of police.

4. The learned Government Advocate(Crl.Side) would submit that A1 and A2 in this case illegally transported four units of river sand. He would also submit that co- accused in this case were granted anticipatory bail by the Sessions Court.

5. Taking note of the above facts and circumstances of the case and also taking note of the fact that the petitioner has only informed the accused person about the checking of police and also taking into consideration period of incarceration and also the fact that co- accused in this case were granted anticipatory bail by the Session Court, this Court is inclined to grant bail to the petitioner subject to the following conditions:

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) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.VI, Trichy

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 for interrogation.

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/-
10/07/2020

/ 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 VI, TRICHY.
2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE,
THUVAKKUDI POLICE STATION, TRICHY DISTRICT.
4. THE SUPERINTENDENT,
CENTRAL PRISON, TIRUCHIRAPPALLI.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.7211 of 2020
Date : 10/07/2020

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AE/PN/SAR-II (10.07.2020) 3P 6C