



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

Date : 18/09/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.9972 of 2020

1.Janagi
2.Eswari

... Petitioners/Accused
Nos.2 and 3

Vs

The State rep.by
The Inspector of Police,
Nagamalai Pudukottai Police Station,
Madurai District.
Crime No.2223 of 2020.

... Respondent/Complainant

For Petitioners : M/s.M.Jegadeesh Pandian,
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 Cr.No.2223 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A2 and A3 herein was arrested and remanded to Judicial Custody on 04.09.2020 for the offences punishable under Section 379,430 of I.P.C. and Section 21(5) of Mines and Minerals (Development and Regulation) Act, 1957.

2.The case of the prosecution is that the petitioners were found in illegal possession of 12 gunny bags of river sand.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in the above case. He would also submit that A1 in this case was released on bail by this Court in Crl.O.P(MD) No.9805 of 2020 on 13.09.2020



4.The learned Government Advocate(Crl.Side) appearing for the State would submit that the total quantity of sand involved is 12 gunny bags and the same was recovered by the respondent police. He would also submit that A1 in this case was released on bail by this Court.

5. Taking into consideration the facts and circumstances of the case and also taking into consideration the period of incarceration and also taking into consideration the quantum of sand, and also the fact that co-accused in this grant was granted bail by this Court, 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.VI, Madurai.

[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 report before the respondent police as and when required for interrogation.

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

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

[e]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].

[f]If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
18/09/2020

/ 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 VI, MADURAI.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
NAGAMALAI PUDUKOTTAI POLICE STATION,
MADURAI DISTRICT.
- 4.THE OFFICER INCHARGE,
SUB JAIL, NILAKOTTAI,
DINDIGUL DISTRICT.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.9972 of 2020
Date :18/09/2020

AAV
TK/JC/SAR.2/18.09.2020/3P/6C