



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/09/2020

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PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.10556 of 2020

1. V.Kesavan
2. A.Lakshmanan

... Petitioners/Accused No.1 & 2

Vs

State Rep.by
The Inspector of Police,
Peraiyur Police Station,
Ramanathapuram District.
(Crime No.163 of 2020)

... Respondent/Complainant

For Petitioners : M/s.I.Pinaygash,
Advocate.

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

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

PRAYER :-

For a Bail in Cr No.163 of 2020 on the file of the respondent police.

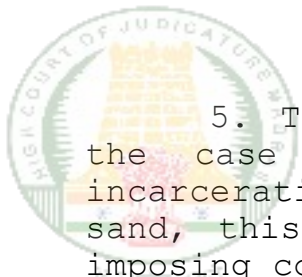
ORDER : The Court made the following order :-

The petitioners herein were arrested and remanded to Judicial Custody on 19.09.2020 for the offences punishable under Section 379 of I.P.C. and Section 21(1) 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 two units 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.

4.The learned Government Advocate(Crl.Side) appearing for the State would submit that the total quantity of sand involved is two units and one unit was recovered by the respondent police.



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, this Court is inclined to grant bail to the petitioners by imposing conditions.

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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 Kamuthi.

[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 are directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five thousand only) to the credit of Sittar Koodam, Num Kulandhigal Illam, 9/24, Arutpa Nagar, Kallikudi, Madurai District (Account No.974101551807, IFSC Code No. CNRB0000974, Phone No.04549-27899) within a period of one week without prejudice to their rights and contentions before the trial Court and the learned Judicial Magistrate, after perusing the challan/ receipt, shall accept the sureties furnished by the petitioners.

[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/-

30/09/2020

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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, KAMUTHI.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
 3. THE OFFICER INCHARGE, SUB JAIL,
MUDUKULATHUR, RAMANATHAPURAM DISTRICT.
 4. THE INSPECTOR OF POLICE,
PERAIYUR POLICE STATION, RAMANATHAPURAM DISTRICT.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE OFFICER INCHARGE,
SITTAR KOODAM,
NUM KULANDHIGAL ILLAM,
9/24, ARUTPA NAGAR,
KALLIKUDI, MADURAI DISTRICT.

ORDER
IN
CRL OP(MD) No.10556 of 2020
Date : 30/09/2020

MS/VR/SAR-1/30.09.2020/3P.7C