



WEB COPY

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

Date : 05/10/2020

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.10790 of 2020

Manikandan ... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Kulithalai Police Station,
Karur.
(Crime No. 537 of 2019).

... Respondent/Complainant

For Petitioner : M/s.V.Vishnu,
Advocate.

For Respondent : Mr.R.Erottusamy,
Government Advocate (Crl.Side)

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

PRAYER :-

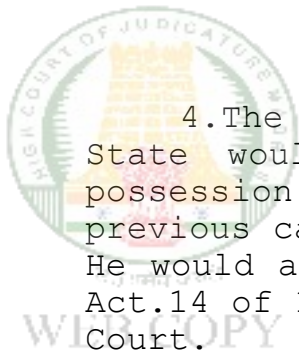
For Bail in Cr.No.537 of 2019 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner herein was arrested and remanded to Judicial Custody on 26.01.2020 for the offences punishable under Section 379 of I.P.C. and Section 21(1) of Mines and Minerals (Development and Regulation) Act.

2.The case of the prosecution is that the petitioner was found in illegal possession of six units of river sand.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in the above case.



4.The learned Government Advocate(Crl.Side) appearing for the State would submit that the petitioner was found in illegal possession of six units river sand. He would also submit that seven previous cases of similar nature are pending against the petitioner. He would also submit that earlier the petitioner was detained under Act.14 of 1982 and subsequently the said order was set aside by this Court.

5. Taking into consideration the facts and circumstances of the case and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner by imposing conditions.

6.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.20,000/-(Rupees Twenty Thousand only) with two sureties, out of which one shall be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Kulithalai

[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 petitioner shall make a non refundable deposit of **Rs.45,000/- (Rupees Forty Five Thousand only)** to the credit of the Chairman/District Collector, District Mineral Foundation Trust of the concerned District, without prejudice to his defence before the trial Court and on such deposit being made, the learned Judicial Magistrate shall accept the sureties furnished by the petitioner

[b] the petitioner shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter as and when required for interrogation.

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

[d]the petitioner 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 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].

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

sd/-
05/10/2020

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

COPY TO: THE CHAIRMAN/DISTRICT COLLECTOR,
DISTRICT MINERAL FOUNDATION TRUST,
KARUR DISTRICT.

ORDER
IN
CRL OP(MD) No.10790 of 2020
Date :05/10/2020

AAV
MS/PN/SAR-III (05.10.2020) 3P 7C