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

Date : 22/10/2020

PRESENT

The Hon'ble Mr.Justice ABDUL QUDDHOSE

CRL OP(MD). No.11924 of 2020

Kumaresan ... Petitioner/Accused No.2

Vs

The State rep. by
The Inspector of Police,
M. Pudupatti Police Station,
Virudhunagar District
(Crime No. 323 of 2020). ... Respondent/Complainant

For Petitioner : M/s.S.M.Anantha Murugan,
Advocate.

For Respondent : Mr.R.Saravanakumar,
Government Advocate (Criminal Side)

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

PRAYER :-

For Bail in Crime No. 323 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A2 herein was arrested and remanded to Judicial Custody on 05.10.2020 for the offences punishable under Section 379 of I.P.C. r/w. 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 two 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. He would also submit that A1 in this case was already granted bail by this Court.



4.The learned Government Advocate(Criminal Side) appearing for the State would submit that the petitioner was found in illegal possession of two units of river sand. He would also submit that no previous case is pending against the petitioner and A1 in this case was already 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 that no previous case is pending against the petitioner and A1 in this case was released on bail by this Court, this Court is inclined to grant bail to the petitioner by imposing conditions.

6.Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions

[a] the petitioner shall make a non refundable deposit of **Rs.15,000/- (Rupees Fifteen 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

[b] On such deposit,the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Sivakasi, Virudhunagar District

[c] 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;

[d] 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.

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

[f]the petitioner shall not tamper with evidence or witness either during investigation or trial.

[g]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].



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

sd/-
22/10/2020

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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.

TO

1. THE JUDICIAL MAGISTRATE NO.II,
SIVAKASI, VIRUDHUNAGAR DISTRICT.
2. -DO- THROUGH: THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE OFFICER INCHARGE,
DISTRICT JAIL,
VIRUDHUNAGAR.
4. THE INSPECTOR OF POLICE,
M. PUDUPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE CHAIRMAN/DISTRICT COLLECTOR,
DISTRICT MINERAL FOUNDATION TRUST,
VIRUDHUNAGAR.

ORDER
IN
CRL OP(MD) No.11924 of 2020
Date :22/10/2020

AAV

<https://hcservices.courts.gov.in/hcservices> SRS/BN/SAR-IV/-23.10.2020/ 3P/7C