



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

Date : 11/11/2020

PRESENT

The Hon`ble Mr.Justice S.M.SUBRAMANIAM

CRL OP(MD). No.12997 of 2020

1. Shanmugaiya
2. Bharathi

... Petitioners/Accused 1 & 2

Vs

The Inspector of Police,
Aravayal Police Station,
Sivagangai District.
Crime No.220 of 2020.

... Respondent/Complainant

For Petitioners : Mr.A.Shajahan, Advocate.

For Respondent : Mr.KR.Bharathi Kannan,
Government Advocate (Crl.Side)

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

PRAYER :- For Bail in Crime No. 220 of 2020 on the file of the
Respondent Police.

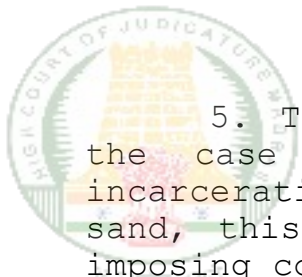
ORDER : The Court made the following order :-

The petitioners herein were arrested and remanded to Judicial Custody on 21.10.2020 for the offences punishable under Section 379 of I.P.C. r/w. Section 21(4) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.220 of 2020 on the file of the respondent. Hence, he seeks bail.

2.The case of the prosecution is that the petitioners were found in illegal possession of half unit of river sand.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons 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 petitioners were found in illegal possession of half unit of river sand. He would also submit that no previous case is pending against the petitioners.



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.20,000/- (Rupees Twenty Thousand only) each 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, Devoakkoti.

[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 daily at 10.30 a.m for a period of two weeks and thereafter 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/-
11/11/2020

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

ORDER
IN
CRL OP(MD) No.12997 of 2020
Date :11/11/2020

MS/PN/SAR-4/11.11.2020/3P.6C