



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/11/2020

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PRESENT

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

CRL OP(MD). No.13519 of 2020

1.Babu
2.Bharath
3.Prabhu

... Petitioners/Accused
No.1 to 3

- Vs. -

The State rep.by
The Inspector of Police,
Thondi Police Station,
Ramanathapuram District.
Crime No.275 of 2020.

... Respondent/Complainant

For Petitioners : Mr.R.Anand,
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 Crime No.275 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A3 herein was arrested and remanded to Judicial Custody on 28.10.2020 for the offences punishable under Section 379 of IPC read with Section 21(1) of Mines and Minerals (Development and Regulation) Act.

2.The case of the prosecution is that the petitioners were found in illegal possession of one unit 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 petitioners were found in illegal possession of one unit of river sand. He would also submit that no previous case is pending against the petitioners and this is the second bail application before this Court and the first bail application filed by the petitioners was dismissed as withdrawn.

5. Taking into consideration the facts and circumstances of the case and also taking into consideration the period of incarceration and also the fact that no previous case is pending against the petitioners, this Court is inclined to grant bail to the petitioners by imposing conditions.

6.Accordingly, the petitioners are ordered to be released on bail, subject to the following conditions

[a] The petitioners 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 their defence before the trial Court

[b] On such deposit,the petitioners shall execute a bond for a sum of Rs.10,000/-(Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Thiruvadanai, Ramanathapuram 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 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.

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

[f]the petitioners 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 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].



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

sd/-
24/11/2020

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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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
THIRUVADANAI, RAMANATHAPURAM DISTRICT.
- 2.DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3.THE OFFICER INCHARGE,
SUB JAIL, PARAMAKUDI,
RAMANATHAPURAM DISTRICT.
- 4.THE INSPECTOR OF POLICE,
THONDI POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE CHARIMAN/DISTRICT COLLECTOR,
DISTRICT MINERAL FOUNDATION TRUST,
RAMANATHAPURAM DISTRICT.

ORDER
IN
CRL OP(MD) No.13519 of 2020
Date :24/11/2020

LS
TK/VR/SAR.3/24.11.2020/3P/7C