



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

Date : 11/01/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.324 of 2021

1.Ayyamperumal
2.Madasamy

... Petitioners/Accused
Rank No.1 and 2

Vs

The State rep.by
The Inspector of Police,
Kumapatti Police Station,
Kumapatti,
Virudhunagar District.
Crime No.425/2020

... Respondent/Complainant

For Petitioners : Mr.S.Alagusundar,
Advocate.

For Respondent : Mr.Ohm Chairma Prabhu,
Additional Public Prosecutor

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

PRAYER :-

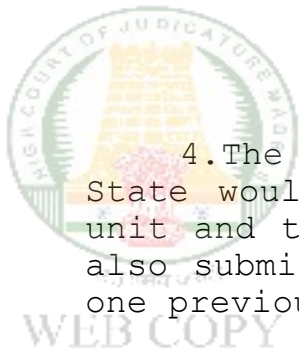
For Bail in Crime No.425/2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1 and A2 herein who were arrested and remanded to judicial custody on 14.12.2020 for the alleged offence under Sections 379 r/w 21(1) of Mines and Minerals (Development and Regulation) Act 1957 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners who were illicitly transporting $\frac{3}{4}$ unit of river sand were apprehended along with the Tractor bearing Registration No.TN 67 AV 6348.

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 Additional Public Prosecutor appearing for the State would submit that the total quantity of sand involved is $\frac{3}{4}$ unit and the same was recovered by the respondent police. He would also submit that A-1 is having one previous case and A-2 is having one previous case, for a similar offence.

5.Taking into consideration the facts and circumstances of the case and also taking into consideration the period of incarceration and also considering the fact that A-1 is not having any previous case for similar offence, this Court is inclined to grant bail to A-1 by imposing conditions.

6.Accordingly, the petitioner/A-1 is ordered to be released on bail, subject to the following conditions:

[a] the petitioner/A-1 shall draw a demand draft in favour of Dean, Government Rajaji Hospital, Madurai for a sum of **Rs.5,000/- (Rupees Five Thousand only)** without prejudice to his rights and contentions before the trial Court. The petitioner/A-1 shall produce the proof of remittance /submission of Demand Draft to Dean while executing sureties.

[b] On acknowledgment of the same by the Dean, Government Rajaji Hospital, Madurai, the petitioner/A-1 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.I, Srivilliputhur, 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/A-1 shall report before the respondent police at 10.30 a.m for a period of two weeks and thereafter as and when required for interrogation.

[e]the petitioner/A-1 shall not abscond either during investigation or trial.

[f]the petitioner/A-1 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/A-1 in accordance with law as if the conditions have been imposed and the petitioner/A-1 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



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

7. In so far as A-2 is concerned, he is having one previous case, which is similar in nature, this Court is not inclined to grant bail to A-2. Hence, this petition is dismissed against A-2.

sd/-
11/01/2021

/ TRUE COPY /

/ /2021
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.I,
SRIVILLIPUTHUR, VIRUDHUNAGAR DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
4. THE INSPECTOR OF POLICE,
KUMAPATTI POLICE STATION,
KUMAPATTI, VIRUDHUNAGAR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE DEAN,
GOVERNMENT RAJAJI HOSPITAL, MADURAI.

ORDER
IN
CRL OP(MD) No.324 of 2021
Date : 11/01/2021

SJI
TK/PN/SAR.2/11.01.2021/3P/7C