



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

Date : 27/01/2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.1137 of 2021

Madasamy

... Petitioner/Accused Rank No.2

Vs.

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

... Respondent/Complainant

For Petitioner : Mr.S.Alagusundar,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

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

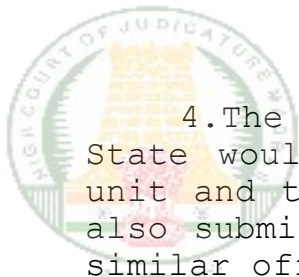
PRAYER :- For Bail in Crime No.425/2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2 herein who was 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, seeks bail.

2.The case of the prosecution is that the petitioner and other accused, 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 petitioner would submit that the petitioner is an innocent and he has 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 the petitioner 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 in this case, has already been released on bail, this Court is inclined to grant bail to the petitioner/A2 by imposing conditions.

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

[a] the petitioner 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-2 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 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 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/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 SCW 5560].



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

sd/-
27/01/2021

/ TRUE COPY /

WEB 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 SRIVILIPUTTUR.
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.1137 of 2021
Date :27/01/2021

DAS
MS/PN/SAR-3/27.01.2021/3P.7C