



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

Date : 01/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.1216 of 2021

1. Nagaraj @ Meiyappan
2. Prakash

... Petitioners/Accused No.3 & 4

Vs

State Rep.by
The Inspector of Police,
Madhagupatti Police Station,
Sivagangai District.
Crime No.4 of 2021.

... Respondent/Complainant

For Petitioners : Mr.V.Kannan,
Advocate.

For Respondent : Mr.A..P.G.Ohm Chairma Prabhu,
Government Advocate (Crl.Side)

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

PRAYER :-

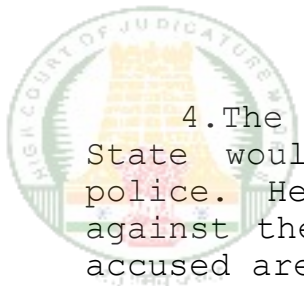
For Bail in Crime No.4/2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A3 and A4 herein who were arrested and remanded to judicial custody on 06.01.2021 for the alleged offence under Sections 379 of IPC r/w. Section 21(4) 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 said to have committed theft of one unit of river sand using lorry. Hence the complaint

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they been falsely implicated in the above case. He would also submit that the petitioner is in jail for more than 25 days, hence he may be granted bail.



4.The learned Government Advocate(Crl.Side) appearing for the State would submit that sand was recovered by the respondent police. He would also submit that no previous case is pending against the petitioners. He would also submit that some of the co-accused are still absconding.

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5.Taking into consideration the facts and circumstances of the case and also taking into consideration the period of incarceration and also taking note of 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 draw a demand draft in favour of Dean, Government Medical College Hospital, Sivagangai for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only) each** without prejudice to their rights and contentions before the trial Court. The petitioners 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 Medical College Hospital, Sivagangai, 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 Judicial Magistrate No.I, Sivagangai

[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/-
01/02/2021

/ 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, SIVAGANGAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE SUPERINTENDENT,CENTRAL PRISON, MADURAI.
4. THE INSPECTOR OF POLICE,
MADHAGUPATTI POLICE STATION, SIVAGANGAI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:
THE DEAN,
GOVERNMENT MEDICAL COLLEGE HOSPITAL,
SIVAGANGAI.

ORDER
IN
CRL OP(MD) No.1216 of 2021
Date :01/02/2021

AAV
MS/VR/SAR-2/01.02.2021/3P.7C