



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

Date : 05/05/2021

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PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD) . Nos.6381 and 6390 of 2021

M.Suryakumar

... Petitioner/Accused No.2
in Crl.O.P.(MD)No.6381 of 2021

G.Krishnan

... Petitioner/Accused No.3
in Crl.O.P.(MD)No.6390 of 2021

Vs

State Rep. by
The Inspector of Police,
Thottiyam Police Station,
Trichy District.
(Crime No.146/2021).

... Respondent/Complainant
in both petitions

For Petitioner : Mr.Maheswaran.R,
(in both petitions) Advocate.
For Respondent : Mr.A.Robinson,
(in both petitions) Government Advocate (Crl.Side)

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

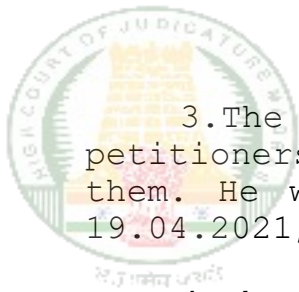
COMMON PRAYER :-

For Bail in Crime No.146/2021 on the file of the respondent police.

COMMON ORDER : The Court made the following order :-

The petitioners/A2 and A3, who were arrested on 19.04.2021 for the offences punishable under Sections 379 of IPC r/w Section 21(4) of Mines and Minerals (Development and Regulation) Act 1957, in Crime No.146 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 19.04.2021 the petitioners were illicitly transporting one unit of river sand. Hence, the complaint.



3.The learned counsel for the petitioners would submit that the petitioners are innocent and a false case has been foisted against them. He would also submit that the petitioners are in jail from 19.04.2021, hence they seeks bail.

4.The learned Government Advocate(Crl.Side) appearing for the respondent would submit that the quantity of sand involved is one unit and the same was recovered by the respondent police. He would further submit that the petitioners are having no previous case.

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.

6.Accordingly, the petitioners are ordered to be released on bail on their executing 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 court, Musiri and on further condition that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b]the petitioners are directed to deposit a sum of Rs.2,000/- (Rupees Two Thousand only) each to the credit of Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172), within a period of two weeks without prejudice to their rights and contentions before the trial Court;

[b] the petitioners shall report before the respondent police daily at 10.30 am., until further orders.

[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/-

05/05/2021

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/ /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.

WEB COPY

- TO
- 1 THE JUDICIAL MAGISTRATE COURT, MUSIRI.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
 - 3 THE INSPECTOR OF POLICE,
THOTTIYAM POLICE STATION,
TRICHY DISTRICT.
 - 4 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP (MD) . Nos.6381
and 6390 of 2021
Date :05/05/2021

sji/kmm
JM/VR/SAR I/05.05.2021/3P/6C