



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

Thursday, the Sixth day of May Two Thousand and Twenty One

WEB COPY

PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP (MD) No.6574 of 2021

1. Nagaraj
2. Sundar

... Petitioners/Accused Nos.1 &2

Vs

The State Represented by
The Inspector of Police,
Lalgudi Police Station,
Trichy District.
Crime No.283/2021.

... Respondent/Complainant

For Petitioner : Mr.Ganapathi Subramanian.P,
Advocate.

For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

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

PRAYER :- For Bail in Cr.No.283 of 2021 on the file of the
respondent police

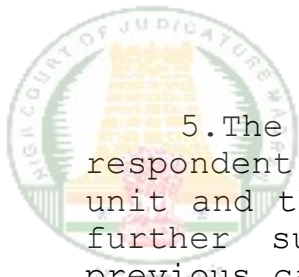
ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners and
the learned Government Advocate(Crl. Side) appearing for the
respondent.

2.The petitioners are in custody from 21.04.2021 for the
offence under Section 379 I.P.C in Crime No.283 of 2021 on the
file of the respondent police. They seek bail.

3.The case of the prosecution is that the petitioners have
illegally transported one unit of sand by using Bolero Maxi Truck
Plus Vehicle bearing Registration No.TN-48-AS-0317. Hence, the
complaint.

4.The learned counsel for the petitioners would submit that
the petitioners are innocents and they have not committed any
offence as alleged by the prosecution and they have been falsely
implicated in this case. He would also submit that the petitioners
are in jail from 21.04.2021. Hence he seeks bail.



5.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 investigation is pending and there is no previous case pending against the petitioners.

6.Taking into consideration the facts and circumstances of the case and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioners.

7.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, Lalgudi, Thiruchirappalli District 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.5,000/- (Rupees Five Thousand only) each to the credit of IOB, 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;

[c]the petitioners shall report before the respondent police on every Monday at 10.30 am., until further orders.

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

[e]the petitioners shall not tamper with evidence or witness either during investigation or trial.

[f]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]**.

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

sd/-

06/05/2021

/ 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,
LALKUDI, TRICHY DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

4 THE INSPECTOR OF POLICE,
LALGUDI POLICE STATION, TRICHY DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE BRANCH MANAGAER,
INDIAN OVERSEAS BANK,
SECRETARIAT BRANCH, CHENNAI-9.

ORDER

IN

CRL OP(MD) No.6574 of 2021

Date :06/05/2021

msa/rmi

JM/VR/SAR IV/06.05.2021/3P/7C