



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

Date : 05/05/2021

PRESENT

The Hon`ble Mrs.Justice S.ANANTHI
CRL OP(MD) . No.6410 of 2021

WEB COPY

1. John Ravi
2. Suresh

... Petitioners/ Accused No.1 & 2

Vs

State through represented by
The Inspector of Police,
Kollidam Police Station,
Trichy District.
Cr.No.106 of 2021)

... Respondent/Complainant

For Petitioner : Mr.N.Anandakumaran,
Advocate.

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

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

PRAYER :-

for bail in Crime No. 106 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

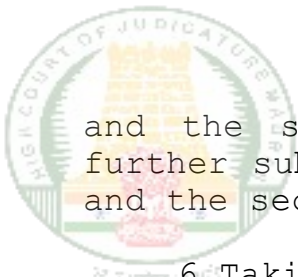
Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl. Side) appearing for the respondent.

2.The petitioners is in custody from 21.04.2021 for the offences under Section 379 of IPC and 21(1) of Mines and Minerals (Development and Regulation) Act, in Crime No.106 of 2021 on the file of the respondent police. He seeks bail.

3.The case of the prosecution is that on 21.04.2021 the petitioners were illicitly transporting $\frac{1}{4}$ unit of river sand. Hence, the complaint.

4.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 21.04.2021, hence they seeks bail.

5.The learned Government Advocate(Crl.Side) appearing for the respondent would submit that the quantity of sand involved is $\frac{1}{4}$ unit



and the same was recovered by the respondent police. He would further submit that the first petitioner is having no previous case and the second petitioner is having one previous case.

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, Srirangam 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 (Indian Overseas Bank, 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.

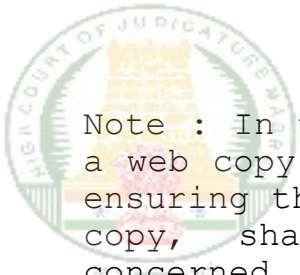
sd/-

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

ORDER

IN

CRL OP(MD) No.6410 of 2021

Date : 05/05/2021

VB VR SAR I(05/05/2021) 3P / 6c