



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.6427 of 2021

WEB COPY

1. Ayyappan,
2. Vinoth

...Petitioners/Accused No.1 & 2

Vs

The State Rep by
The Sub-Inspector of Police,
Velayuthapattinam Police Station,
Sivagangai District.
(Cr.No.24/2021).

... Respondent/Complainant

For Petitioner : M/s. Balasubramanian,
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.24 of 2021 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners, who were arrested on 22.04.2021 for the offences punishable under Sections 379 of IPC and Section 21(4) of Mines and Minerals (Development and Regulation) Act 1957, in Crime No.24 of 2021 on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 22.04.2021 the petitioners were illicitly transporting two units of gravel 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 22.04.2021, hence they seeks bail.

4.The learned Government Advocate(Crl.Side) appearing for the respondent would submit that the quantity of sand involved is two units and the same was recovered by the respondent police. He would further submit that the first petitioner has no previous case and the second petitioner is having two previous cases.

5.Considering the fact that the second petitioner is having two previous cases, this Court is not inclined to grant bail to the second petitioner and this petition is dismissed so far as the second petitioner is concerned.



6. Taking into consideration the period of incarceration and also taking note of the fact that no previous case is pending against the first petitioner, this Court is inclined to grant bail to the first petitioner.

WEB COPY

7. Accordingly, the first petitioner is ordered to be released on bail on his executing 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 Court, Devakottai, Sivagangai 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 first petitioner is directed to deposit a sum of Rs.3,000/- (Rupees Three Thousand only) 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 his rights and contentions before the trial Court;

[c] the first petitioner shall report before the respondent police daily at 10.30 am., until further orders.

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

[e] the first petitioner 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 first petitioner in accordance with law as if the conditions have been imposed and the first petitioner 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/-
05.05.2021

/ 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.

WEB COPY

TO

1. THE JUDICIAL MAGISTRATE COURT,
DEVAKOTTAI, SIVAGANGAI DISTRICT.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE OFFICER INCHARGE, SUB JAIL,
PERIYAKULAM, THENI DISTRICT.
4. THE SUB-INSPECTOR OF POLICE,
VELAYUTHAPATTINAM POLICE STATION,
SIVAGANGAI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO

THE OFFICER INCHARGE,
IOB, SECRETARIAT BRANCH,
CHENNAI-9

ORDER
IN
CRL OP(MD) No.6427 of 2021
Date : 05/05/2021

VB VR SAR IV(06/05/2021) 3P / 7c