



WEB COPY

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.6448 of 2021

Sundharajan

... Petitioner/Sole Accused

Vs

The State rep by
The Inspector of Police,
Vathakai Police Station,
Trichy District.

(Crime No.145 of 2021).

... Respondent/Complainant

For Petitioner : M/s.Jameelarasu.B,
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.145 of 2021 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner, who was arrested on 18.04.2021 for the offences punishable under Section 379 IPC r/w Section 21(1) of the Mines and Minerals (Development and Regulation Act) in Crime No.145 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner was illegally transported two and half units of river sand by using TVS Champ two wheeler. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and a false case has been foisted against him. He would also submit that the petitioner is in jail from 18.04.2021, hence he seeks bail.

4.The learned Government Advocate(Crl.Side) appearing for the respondent would submit that the quantity of sand involved is two and half units and the same was recovered by the respondent police. He would further submit that investigation is pending.



5. 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 petitioner.

6. Accordingly, the 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, 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 petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten 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 petitioner shall report before the respondent police daily at 10.30 am., until further orders.

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

[e] the 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 petitioner in accordance with law as if the conditions have been imposed and the 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 ,
LALGUDI, THIRUCHIRAPPALLI DISTRICT.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THIRUCHIRAPPALLI DISTRICT.
3. THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.
4. THE INSPECTOR OF POLICE,
VATHAKAI POLICE STATION,
TRICHY 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.6448 of 2021
Date : 05/05/2021

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