



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

Date : 12/05/2021

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.6603 of 2021

Selvam @ Selvan

... Petitioner/Accused No.2

Vs

State Rep.by
The Inspector of Police,
Bodinayakanur Rural Police Station,
Theni District.
Crime No.204 of 2021.

... Respondent/Complainant

For Petitioner : Mr.M.Maharaja,
Advocate.

For Respondent : Mr.R.Erottuchamy,
Government Advocate (Crl.Side)

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

PRAYER :- For bail in crime No. 204 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested on 30.04.2021 for the offences punishable under Sections 379 of IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.204 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner illegally transported two units of Thuci sand without valid permission from the authorities.

3.The learned counsel for the petitioner would submit that the petitioner is in judicial custody from 30.04.2021, hence he may be granted bail.

4.The learned Government Advocate(Crl.Side) appearing for the respondent would submit that the petitioner had illegally transported two units of Thuci sand in a Tipper Lorry, bearing Registration Number TN 30 BF 5340. He further submitted that the sand and the vehicle were seized by the respondent police.



5. Taking into consideration the facts and circumstances of the case, the period of incarceration and also fact that the sand and the vehicle were seized, 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.1,00,000/- (Rupees One Lakh only) with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate, Bodinayakanur, and on further conditions 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 cards or Bank pass Books 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 on the first working day of every English Calendar month, at 10.30 a.m., 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/-

12/05/2021

/ 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, BODINAYAKKANUR.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
3. THE OFFICER INCHARGE,
DISTRICT PRISON, VIRUDHUNAGAR.
4. THE INSPECTOR OF POLICE,
BODINAYAKKANUR RURAL POLICE STATION,
THENI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE MANAGER, IOB, SECRETARIAT BRANCH,
CHENNAI-9 (ACCOUNT NO.11720 10000 00070,
IFSC CODE: IOBA0001172)

ORDER

IN

CRL OP(MD) No.6603 of 2021

Date :12/05/2021

SM/TM

MS/PN/SAR-2/12.05.2021/3P.7C