



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

Date : 10/06/2021

PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD). No.7157 of 2021

Vinoth

... Petitioner/Accused No.2

Vs

The State rep.by,
The Sub Inspector of Police,
Velayuthapattinam Police Station,
Sivagangai District.
Crime No. 24/2021.

... Respondent/Complainant

For Petitioner : Mr.L.Siva, Advocate
for Mr.P.Balasubramanian, Advocate

For Respondent : Mr.K.Sanjay Gandhi,
Government Advocate (Crl.Side)

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

PRAYER :-

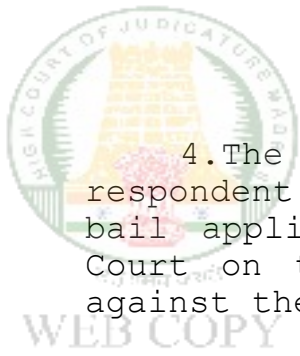
For Bail in Crime No.24/2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 22.04.2021 for the offences punishable under Sections 379 of IPC and 21(4) of Mines and Minerals (Development and Regulation) Act 1957 in Crime No.24 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 22.04.2021, the petitioner along with other accused said to have illegally transported two units of gravel sand. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would further submit that A-1 was already arrested and released on bail and A-3 to A5 were granted anticipatory bail. He would further submit the petitioner is in judicial custody from 22.04.2021 and he will abide by any condition and hence, he would pray for granting bail to the petitioner.



4.The learned Government Advocate(Crl.Side) appearing for the respondent police would submit that this is the petitioner's second bail application and the earlier petition was dismissed by this Court on the ground that two similar previous cases are pending against the petitioner.

5.Taking into consideration the facts and circumstances of the case and the fact that the material witnesses are the police officials and also considering 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 executing his own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the Jail Authority. The petitioner after his release shall surrender before the concerned Judicial Magistrate voluntarily on any working day within a period of one month from the date of resumption of regular work in the Subordinate Courts and execute 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. On such execution of bond before the concerned Magistrate, the own bond executed before the Jail Authority shall stand cancelled automatically.

i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

(ii)the petitioner is directed to deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only) to the credit of Government of Tamil Nadu, CMPRF in 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 and produce the receipt/acknowledgment before the learned Judicial Magistrate Court, Devakottai, Sivagangai District.

iii)the petitioner shall report before the respondent police on every Monday at 10.30 am., for a period of eight weeks and thereafter, as and when required for interrogation.

iv)the petitioner shall not tamper with evidence or witness.

v)the petitioner shall not abscond during trial.

vi)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].

vii) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

WEB COPY

sd/-
10/06/2021

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

COPY TO:

THE OFFICER INCHARGE
CHIEF MINISTER PUBLIC RELIEF FUND,
GOVERNMENT OF TAMIL NADU,
SECRETARIAT, CHENNAI-09

ORDER
IN
CRL OP(MD) No.7157 of 2021
Date : 10/06/2021

SJI
TK/AKM/SAR.2/10.06.2021/3P/7C

<https://hcservices.ecourts.gov.in/hcservices/>