



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/05/2021

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PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.6784 of 2021

1. Gnanasekar
2. Safiyullah

... Petitioners/Accused Nos.1 & 2

Vs

State Rep. by
The Inspector of Police,
Lalgudi Police Station,
Trichy District.
Crime No.317/2021.

... Respondent/Complainant

For Petitioners : Mr.Arokiya Selva.S,
Advocate.

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.317 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 are arrayed as accused nos.1 & 2. They were arrested and remanded to Judicial Custody on 13.05.2021 for the offence punishable under section 379 of I.P.C., in Crime No. 317 of 2021 on the file of the respondent police. They seek bail.

3. The case of the prosecution is that on 09.05.2021, based on the secrete information received from the respondent police, they intercepted the petitioner's vehicle transporting one unit of sand without permission. Hence the complaint.



4. The learned counsel appearing for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case.

5. The learned Additional Public Prosecutor appearing for the respondent Police would submit that there is no previous case pending against A1 and in respect of A2, he is involved in another crime Number for which, CrI.O.P.(MD)No.6807 of 2021 has been filed.

6. Considering the present pandemic situation, security deposit is not ordered. But this order will not be taken as precedent. Considering the period of incarceration of the petitioner, this Court is inclined to grant bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on the following conditions:

i) the petitioners shall execute 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 Judicial Magistrate, Lalgudi, Trichy District.

ii) 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.

iii) The petitioners shall appear before the respondent police once in a week i.e on every Monday at 10.30 a.m until further orders.

iv) The petitioners shall not tamper with evidence or witness.

v) the petitioners shall not abscond either during investigation or 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.

sd/-
20/05/2021

/ 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.

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- TO
- 1 THE JUDICIAL MAGISTRATE,
LALGUDI, TRICHY DISTRICT.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
 - 3 THE INSPECTOR OF POLICE,
LALGUDI POLICE STATION, TRICHY DISTRICT.
 - 4 THE OFFICER INCHARGE,
DISTRICT PRISON, TRICHY.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.6784 of 2021
Date :20/05/2021

rmi/pkn
JM/AKM/SAR IV/21.05.2021/3P/6C