



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/05/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.6789 of 2021

1. Thirupathi
2. Mani
3. Kanagaraj

... Petitioners/Accused No.1 to 3

Vs

State Rep. by
The Inspector of Police,
Manapparai Police Station,
Trichy District.
Crime No.275/2021.

... Respondent/Complainant

For Petitioner : Mr.Susi Kumar.C,
Advocate.

For Respondent : Mr.M.Muthu Manickam,
Government Advocate (Crl.Side)

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

PRAYER :- For Bail in Crime No.275 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners are in custody from 06.05.2021 for the offences under Section 379 IPC and Section 21(1) of Mines and Minerals Development and Regulation At, 1957 in Crime No.275 of 2021 on the file of the respondent police. They seek bail.

2. The case of the prosecution is that the petitioners smuggled the graval sand using JCB bearing registration No. TN 52 M 8202 and Tipper Lorry bearing Registration No. TN 74 AD 4591.

3.The learned counsel for the petitioners would submit that the petitioners did not involved in any crime as alleged by the defacto complainant.

4. The learned Government Advocate appearing on behalf of the respondent police submits that there is no previous case pending against the petitioners.

<https://hccsreports.tn.hcscs.gov.in>



5. Considering the period of incarceration of the petitioner and considering the fact that there is no previous case pending against the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

6. 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) with two sureties each, for a like sum to the satisfaction of the Judicial Magistrate, Manapparai.

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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-
19/05/2021

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

ORDER
IN
CRL OP(MD) No.6789 of 2021
Date :19/05/2021

msa
JM/MNR/SAR I/20.05.2021/3P/6C