



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 20/05/2021

PRESENT

**The Hon'ble Mr.Justice G.ILANGOVAN**

**CRL OP(MD) . No.6897 of 2021**

Annavi

... Petitioner/Accused No.1

Vs

State Rep.by  
The Inspector of Police,  
Pettaivaithalai Police Station,  
Pettaivaithalai, Trichy District,  
(Crime No.82 of 2021).

... Respondent/Complainant

For Petitioner : Mr.K.Arunraj,  
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.82 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioner is arrayed as accused No.1. He was arrested and remanded to Judicial Custody on 14.03.2021 for the offences punishable under section 379 of I.P.C., r/w Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.82 of 2021 on the file of the respondent police. He seeks bail.

3. The case of the prosecution is that on 13.03.2021, the petitioner along with two others had illegally transported sand by using Tata Dost Vehicle without any valid permit. Hence the complaint.



4. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case.

5. The learned Additional Public Prosecutor appearing for the respondent Police submitted that the final report is yet to be filed. Hence, the petitioner is entitled to statutory bail.

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 petitioner is ordered to be released on bail on the following conditions:

i) the petitioner 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 District Munsif cum Judicial Magistrate, Srirangam.

[ii] the petitioner and 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 petitioner shall report before the respondent police for interrogation, as and when required.

[iv] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[v] the petitioner 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.

TO

- 1.THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,  
SRIRANGAM.
- 2.-DO-THRO'THE CHIEF JUDICIAL MAGISTRATE,  
TRICHY DISTRICT.
- 3.THE SUPERINTENDENT,  
CENTRAL JAIL, TRICHY.
- 4.THE INSPECTOR OF POLICE,  
PETTAIVAITHALAI POLICE STATION,  
PETTAIVAITHALAI, TRICHY DISTRICT.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER  
IN  
CRL OP(MD) No.6897 of 2021  
Date :20/05/2021

RMI/PKN  
AE/VR/SAR-IV/21.05.2021/3P/6C