



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.6921 of 2021

Prabhu

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Pettavaithalai Police Station,
Tiruchirappalli District.
Crime No.110/2021.

... Respondent/Complainant

For Petitioner : Mr.S.Balamurugan,
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.110 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 the sole accused. He was arrested and remanded to Judicial Custody on 19.04.2021 for the offences punishable under section 379 of I.P.C., and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.110 of 2021 on the file of the respondent police. He seeks bail.

3.The case of the prosecution is that on 19.04.2021, when the respondent police was in patrolling duty, the petitioner was carrying the sand in the motor cycle. Hence the complaint.

4. The learned counsel appearing for the petitioner submitted that the petitioner is innocent and he has 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 the petitioner.

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 petitioner 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 Judicial Magistrate, Srirangam.

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 petitioner 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 petitioner shall not tamper with evidence or witness.

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.

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

ORDER
IN
CRL OP(MD) No.6921 of 2021
Date : 20/05/2021

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