



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/05/2021

WEB COPY

PRESENT

The Hon'ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.7081 of 2021

1. R.Sureshkumar
2. B.Sakthivel
3. S.Santhoshkumar

... Petitioners/Accused 1 to 3

Vs

The State Rep. by
The Inspector of Police,
Kattuputhur Police Station,
Trichy District
Crime No. 115/2021.

... Respondent/Complainant

For Petitioner : Mr.Herold Singh.S.C.,
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. 115/2021 on the file of the respondent Police

ORDER : The Court made the following order :-

The petitioners, who are arrayed as accused Nos. 1 to 3, were arrested and remanded to judicial custody on 01.05.2021 for the offences punishable under Sections 379 IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 on the file of the respondent police seeks bail.

2. The case of the prosecution is that while the defacto complainant was in vehicle check up along with Village Assistant, the petitioners are alleged to have transported ½ unit of sand each in two wheelers. Hence, the complaint.



3. The learned counsel for the petitioners would submit that the petitioners are innocent and that the properties have been recovered and hence they may be granted bail.

4. The learned Additional Public Prosecutor would submit that the petitioners had illegally transported 1/2 unit of river sand each in Two Wheeler. He would further submit that the sand and vehicle were seized by the respondent police and no previous case is pending against the petitioner.

5. Considering the above facts and circumstances of the case and considering the period of incarceration and also the fact that the sand and the vehicle were seized and that no previous case is pending against the petitioner and also considering the urgent need and necessity to ensure social distancing and thereby, to reduce the scope of infection, it is essential that the prisons are de-congested as much as possible. Keeping this in view, this Court is inclined to release the petitioner on bail, subject to the following conditions:

6. Accordingly, the petitioners are ordered to be released on bail on executing their own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each before the concerned jail authority. The petitioners, after their release, shall surrender before the learned 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) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Musiri.

(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) Each of the petitioners are directed to deposit a sum of Rs.7,500/- (Rupees Seven Thousand Five Hundred 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;

(iii) the petitioners shall report before the respondent police as and when required for interrogation.

(iv) the petitioners shall not tamper with evidence or witness.

(v) the petitioners 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.

sd/-

26/05/2021

/ 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, MUSIRI.
2. DO-THROUGH: THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
4. THE INSPECTOR OF POLICE,
KATTUPUTHUR POLICE STATION,
TRICHY DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:-

THE OFFICER INCHARGE,
CHIEF MINISTER PUBLIC RELIEF FUND,
SECRETARTIAT, CHENNAI-9

ORDER

IN

CRL OP (MD) No.7081 of 2021

Date :26/05/2021

TRP

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

TE/PN/SAR-111 : 26/05/2021 : 3P/7C