



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 26/05/2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.7013 of 2021

Suresh

... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
Lalgudi Police Station,
Trichy District.
Crime No.326 of 2021.

... Respondent/Complainant

For Petitioner : Mr.B.Jameel Arasu,
Advocate.

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

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

PRAYER :- For Bail in Crime No.326 of 2021 on the file of the respondent Police.

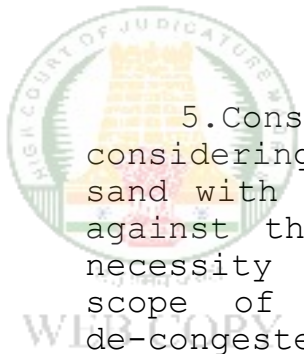
ORDER : The Court made the following order :-

The petitioner/A1, who was arrested on 12.05.2021 for the offences punishable under Sections 379 of I.P.C., in Crime No.326 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner said to have illegally transported one unit of river sand without valid permission from the authorities.

3.The learned counsel for the petitioner would submit that the petitioner is only driver of the vehicle and he is in judicial custody from 12.05.2021 onwards, hence, he may be granted bail.

4. The learned Government Advocate(Crl.Side) appearing for the respondent would submit that the petitioner had illegally transported one unit of river sand in a TATA ACE vehicle. He would further submit that the sand with vehicle was seized by the respondent police and no previous case is pending against the



5.Considering the above facts and circumstances of the case and considering the period of incarceration and also the fact that the sand with vehicle was 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 petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only) before the concerned jail authority. The petitioner, after his 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) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Lalgudi, Trichy District.

(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) the petitioner is 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 petitioner shall report before the respondent police as and when required for interrogation.

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

(v) the petitioner 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 /

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

COPY TO:

THE BRANCH MANAGER,
IOB, SECRETARIAT BRANCH,
CHENNAI-9.

ORDER
IN
CRL OP(MD) No.7013 of 2021
Date :26/05/2021

LS
MS/MNR/SAR-3/26.05.2021/3P.7C