



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

Date : 09/06/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.7480 of 2021

1. Arockiyasamy
2. Balu
3. Kumar

... Petitioners/Accused No.1,2 & 3

Vs

State Rep.by
The Inspector of Police,
Lalgudi Police Station, Trichy.
Crime No.380/2021.

... Respondent/Complainant

For Petitioners : Mr.P.Ganapathi Subramanian, Advocate.
For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :- For Bail in Crime No.380 of 2021 on the file of the respondent police.

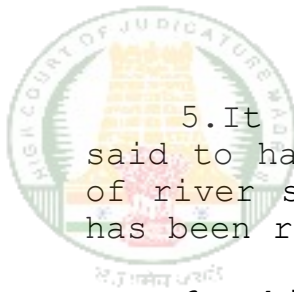
ORDER : The Court made the following order :-

The petitioners/accused Nos.1 to 3, who were arrested on 25.05.2021 for the offences punishable under Sections 379 of IPC, in Crime No.380 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 25.05.2021, at about 04.00 a.m., the petitioners said to have illegally transported six gunny bags of river sand without valid permission from the authorities.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution and they are in judicial custody from 25.05.2021 onwards.

4. The learned Government Advocate(Crl.Side) appearing for the respondent would submit that the petitioners had illegally transported six gunny bags of river sand (Each gunny bag contains 50 Kg) in a two wheeler, viz. TVS XL. He would further submit that there is no previous case against the petitioners.



5.It is seen from the submissions that the petitioners were said to have illegally possessed and transported altogether 300 Kgs of river sand on 25.05.2021 in TVS XL-100 and therefore, this case has been registered.

6.Taking note of the quantity of the river sand said to have been illegally transported by the petitioners and the fact that they are in judicial custody from 25.05.2021, this Court is inclined to grant bail to the petitioners with conditions.

7.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 Jail Authority. The petitioners after their release shall surrender before the concerned 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, Lalgudi, Trichy. On such execution of bond before the concerned Magistrate, the own bond executed before the Jail Authority shall stand cancelled automatically.

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 petitioners shall report before the respondent police daily at 10.30 am., until further orders.

iii)the petitioners shall not tamper with evidence or witness.

iv)the petitioners shall not abscond during trial.

v)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].

vi)If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
09/06/2021

/ 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.

WEB COPY

TO

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

ORDER

IN

CRL OP(MD) No.7480 of 2021

Date : 09/06/2021

LS

MS/PN/SAR-2/09.06.2021/3P.7C