



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

Date : 09/06/2021

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PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.7519 of 2021

1.Murugesan
2.Prabakar @ Prabakaran
3.Rajamohan
4.Sivasakthi
5.Dinesh

... Petitioners/Accused
No.1 to 5

Vs

The State rep.by,
The Inspector of Police,
Puthanatham Police Station,
Puthanatham,
Trichy District.
Crime No.156/2021.

... Respondent/Complainant

For Petitioners : Mr.K.Arunraj,
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.156/2021 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners/accused Nos.1 to 5, who were arrested on 31.05.2021 for the offences punishable under Sections 379 of IPC r/w. Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.156 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 06.00 a.m., the petitioners and other accused attempted to take six units of river sand from Kannuthu Dam by using JCB vehicles 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 31.05.2021 onwards.

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4. The learned Government Advocate(Crl.Side) appearing for the respondent opposed this Petition on the ground that investigation in this case has not been completed and the JCB vehicles, involved in this case, bearing Registration Nos. TN-45-GZ-5811 and KL-07-AU-8821, were also seized.

5.It is seen from the submissions that the petitioners were said to have used two JCBs accumulated the river sand for the illegal purpose of stealing and transporting at Kannuthu Dam. On seeing the police party, they said to have fled way on the scene of occurrence and the respondent police arrested the accused persons.

6.Taking note of the facts and circumstances of the case and the fact that the petitioners are in judicial custody from 31.05.2021 and that the major part of the investigation is over, 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, Manapparai. 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)Each of the petitioner is directed to deposit a sum of **Rs.10,000/- each (Rupees Ten Thousand only) each (Totally a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172), each within a period of two weeks without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate, Manapparai.**



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

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 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].

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

sd/-

09/06/2021

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/ /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, MANAPPARAI.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE, PUTHANATHAM POLICE STATION, PUTHANATHAM, TRICHY DISTRICT.
4. THE SUPERINTENDENT, CENTRAL JAIL, TRICHY.
5. THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE OFFICER INCHARGE,
CHIEF MINISTER PUBLIC RELIEF FUND,
GOVERNMENT OF TAMIL NADU,
SECRETARIAT, CHENNAI-9

LS

TK/PN/SAR.2/09.06.2021/3P/7C

ORDER IN

CRL OP(MD) No.7519 of 2021

Date : 09/06/2021