



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

Date : 15/06/2021

WEB COPY

PRESENT

The Hon'ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) No.7776 of 2021

1. Mani
2. Vigneshwaran
3. Kamalakannan

... Petitioners/Accused Rank No.1to3

Vs

The State rep. by
The Inspector of Police,
Manapparai Police Station.
Crime No. 796 of 2021.

... Respondent/Complainant

For Petitioners: Mr.A.Azhageson,
Advocate.

For Respondent : Mr.C.Antony Sahaya Prabakar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.796 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A3, who were arrested on 05.06.2021 for the offences punishable under Sections 379 of IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.796 of 2021 on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 05.06.2021 at about 9.00 hrs the petitioners said to have illegally transported 2 units of pond sand from Ananpatti pond in a tipper lorry bearing Reg. No. TN28 U 8231 with a help of JCB bearing Reg.No,TN 28 AD 5323 and Hence, the complaint.

<https://hcservices.courts.gov.in/hcservices/> 3.The learned counsel for the petitioners would submit that the



petitioners are innocent and they been falsely implicated in this case. He would further submit that the petitioners are in judicial custody from 05.06. 2021, hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent police opposed this petition on the ground that investigation is not yet completed. He would further submit that no previous case of similar nature is pending against the petitioners.

5.Taking into consideration all these facts and also considering the period of incarceration and also the fact that the material witnesses are only official witnesses, this Court is inclined to grant bail to the petitioners.

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 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, Trichy District. 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.

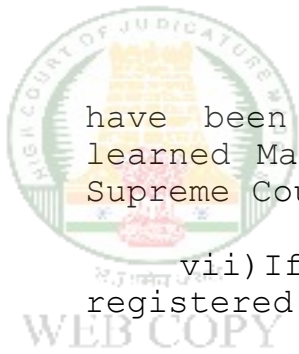
(ii)the petitioners are directed to deposit a sum of **Rs.15,000/- (Rupees Fifteen Thousand only) each to the credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172)**, within a period of two weeks without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate, Manapparai, Trichy District.

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/-
15/06/2021

/ 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.

TO

1. THE JUDICIAL MAGISTRATE,
MANAPPARAI, TRICHY DISTRICT.
2. -DO- THROUGH: THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
4. THE INSPECTOR OF POLICE,
MANAPPARAI POLICE STATION
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.

ORDER
IN
CRL OP(MD) No.7776 of 2021
Date :15/06/2021

AAV
SRS/VR/SAR-II/15.06.2021/3P/7C

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