



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

Date : 03/08/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.10542 of 2021

Suyambulingam

... Petitioner/Accused NO.1

Vs

The State rep.by
The Inspector of Police,
ST Kulam Police Station,
Kanyakumari District.
(Crime No. 196 of 2021).

... Respondent/Complainant

For Petitioner : Mr.J.POOVENTHERA RAJAN, Advocate.

For Respondent : Mr.T.SENTHILKUMAR,
Government Advocate (Crl.Side)

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

PRAYER :-

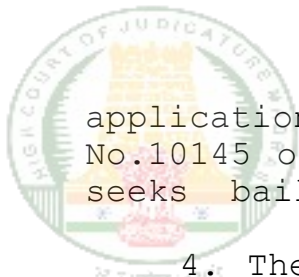
For Bail in Crime No. 196 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1 herein was arrested on 21.07.2021 for the alleged offences under Sections 379 I.P.C r/w 21(1) of Mines Minerals (Development & Regulation) Act, in Crime No.196 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 21.07.2021 at about 12.30 p.m, the petitioner and other accused have taken away the red sand from a temple land by using a vehicle bearing Registration No. TN-74-AT-9706 and JCB vehicle bearing Registration No.TN-74-AK-6177, without any valid permission.

3. The learned counsel for the petitioner would submit that according to the complainant, the petitioner is said to have taken the sand for the purpose of constructing a building for community hall on the direction of the Panchayat Union Official. He would submit that the co-accused in this case has moved an



application for anticipatory bail before this Court in Crl.O.P(MD). No.10145 of 2021 and the same was allowed on 30.07.2021. Hence, he seeks bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner had illegally transported the sand.

5. Considering the period of incarceration and considering the fact that this petitioner was engaged by the Government official for constructing the community hall, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on his executing 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 No.III, Nagercoil and on further condition that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police as and when required for interrogation.

[c] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

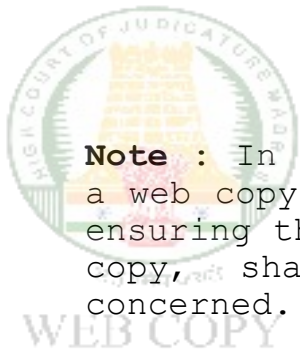
[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
03/08/2021

/ 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.JUDICIAL MAGISTRATE NO.III
NAGERCOIL

2.DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

3.THE OFFICER INCHARGE,
DISTRICT JAIL,
NAGERCOIL.

4.THE INSPECTOR OF POLICE
ST KULAM POLICE STATION,
KANYAKUMARI DISTRICT.

5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI DISTRICT.

+1. CC to Mr.J.POOVENTHERA RAJAN Advocate SR.No.5050 Date:03.08.2021

ORDER
IN
CRL OP(MD) No.10542 of 2021
Date :03/08/2021

SA/JM/SAR.4/03.08.2021/3P/7C