



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

Date : 19/08/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.11761 of 2021

1. Selvam
S/o. Raja @ Ladaraja
 2. Selvam
S/o.Sukru @ Rajendran
- ... Petitioners/Accused No.2 & 4
- Vs**

The State rep.by
The Inspector of Police,
Kumbakonam Taluk Police Station,
Thanjavur District.
(Crime No. 688 of 2021).

... Respondent/Complainant

For Petitioner : Mr.M.SUBASH BABU,
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. 688 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A2 and A4, who were arrested on 11.06.2021 and 09.06.2021 respectively, for the offence punishable under Sections 147, 148, 294(b), 353, 307 and 379 of IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act, in Crime No.688 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners have illegally taken the river sand in two bullock carts and when the same was questioned by the defacto complainant, the petitioners abused him in filthy language and also attacked him with iron rods. Hence, the complaint.

3. The learned counsel for the petitioners submitted that the petitioners are innocents and they have not committed any offence as alleged by the prosecution.



4. The learned Government Advocate (Crl. Side) for the respondent police submitted that considering the seriousness of the offence committed by the petitioners, they have been detained under Act 14 of 1982.

5. The learned counsel appearing for the petitioners submitted that the detention orders passed against the petitioners have been revoked by the Advisory Board in G.O.Rt.Nos.3430 and 3432, dated 03.08.2021. Hence, he prayed for grant of bail.

6. Considering the facts and circumstances of the case, the nature of allegations against the petitioners, the period of incarceration and since the detention orders passed against the petitioners have been revoked by the Advisory Board in G.O.Rt.Nos.3430 and 3432, dated 03.08.2021, this Court is inclined to grant bail to the petitioners.

7. Accordingly, this Criminal Original Petition is ordered. The petitioners are directed to be released on bail on their executing 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 No.II, Kumbakonam and on further conditions 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 petitioners shall report before the respondent Police as and when required for interrogation.

[d] the petitioners shall not abscond either during investigation or trial.

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

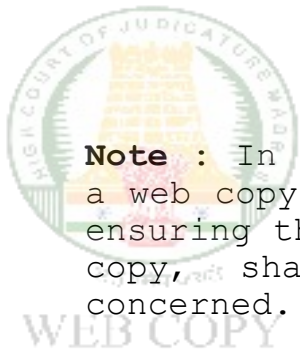
[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down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

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

sd/-
19/08/2021

/ 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.THE JUDICIAL MAGISTRATE NO.II
KUMBAKONAM.
- 2.DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3.THE SUPERINTENDENT,
CENTRAL PRISON, TIRUCHIRAPALLI.
- 4.THE INSPECTOR OF POLICE
KUMBAKONAM TALUK POLICE STATION,
THANJAVUR DISTRICT
- 5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.11761 of 2021

Date :19/08/2021

SA/VR/SAR.3/19.08.2021/3P/6C