



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 23/08/2021

PRESENT

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The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.12008 of 2021

1. Raja
2. Perumal
3. Logeswaran ... Petitioners/Accused No.1,2 and 4

Vs

The State rep.by,
The Inspector of Police,
Ponnamaravathi Police Station,
Pudukkottai District.
Crime No.267 of 2021. ... Respondent/Complainant

For Petitioner : Mr.K.Sivabalan,
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.267 of 2021 on the file of the Respondent Police.

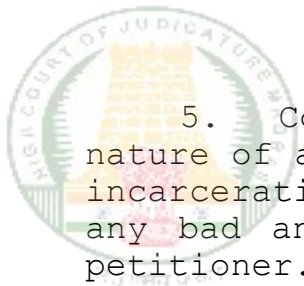
ORDER : The Court made the following order :-

The petitioners/A1, A2 and A4, who were arrested on 12.08.2021 for the offences punishable under Section 379 IPC r/w. 21(1) of Mines and Minerals (Development and Regulations) Act, 1957, in Crime No.267 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners have illegally transported 1/2 unit of gravel sand in a Tipper Lorry by using JCB.

3. The learned counsel for the petitioners submits that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. But, they are languishing in jail from 12.08.2021. Hence, he seeks for grant of bail.

4. The learned Government Advocate(Crl.Side) appearing for the respondent opposed for grant of bail on the ground that the investigation is yet to be completed. However, he fairly submits that the petitioners are not having any bad antecedent.



5. Considering the facts and circumstances of the case, the nature of allegation levelled against the petitioners, the period of incarceration and also the fact that the petitioners are not having any bad antecedent, this Court is inclined to grant bail to the petitioner.

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6. Accordingly, the Criminal Original Petition is ordered. The petitioners are ordered 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, Thirumayam, Pudukkottai District 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 petitioners shall report before the respondent police as and when required.

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

[d] the petitioners 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 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]**.

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

sd/-
23/08/2021

/ 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,
THIRUMAYAM, PUDUKOTTAI DISTRICT.

2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.

3 THE OFFICER INCHARGE,
SUB JAIL, THIRUMAYAM, PUDUKOTTAI DISTRICT.

4 THE INSPECTOR OF POLICE
PONNAMARAVATHI POLICE STATION, PUDUKKOTTAI DISTRICT.

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

+1 CC to Mr.K.SIVABALAN, Advocate (SR-5597[I] dated 23/08/2021)

ORDER

IN

CRL OP(MD) No.12008 of 2021

Date :23/08/2021

OGY

MK/PN/SAR.IV/23.08.2021/3P/7C