



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 09/09/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.13301 of 2021

1. Ruban Daniel
2. Ramesh

... Petitioners/Accused Nos.1 and 2

Vs

The State rep.by,
The Inspector of Police,
Kallal Police Station,
Sivagangai District.
Crime No.170 of 2021.

... Respondent/Complainant

For Petitioner : Mr.T.Veerakumar, 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.170 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2, who were arrested on 30.08.2021 for the offences punishable under Sections 379 IPC and Section 21(4) of the Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.170 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 30.08.2021, during the patrol, the respondent Police intercepted a lorry and found that the petitioners illegally transported savudu sand. Hence, the complaint.

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. The learned counsel also filed a photograph and submits that the mineral, which is alleged as Savudu by the respondent Police, is nothing but debris collected from a damaged building. Hence, he prayed for grant of bail.

4. The learned Government Advocate (Crl. Side) opposed for the ground that the first petitioner is having six



previous cases, out of which, four cases are similar in nature and the second petitioner is having one previous case under IPC offence.

5. Though the first petitioner is having four previous cases of similar in nature, this Court is inclined to grant bail to the petitioners, considering the nature of mineral involved and the period of incarceration.

6. 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, Karaikudi, Sivagangai District 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 first petitioner shall report before the respondent police daily twice, i.e. morning at 10.30 a.m. and evening at 5.30 p.m. until further orders. The second petitioner shall report before the respondent Police daily at 10.30 a.m. until further orders.

[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 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/-
09/09/2021

/ 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.

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



TO

1 THE JUDICIAL MAGISTRATE,
KARAIKUDI, SIVAGANGAI DISTRICT.

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

3 THE OFFICER INCHARGE,
SUB JAIL, SIVAGANGAI.

4 THE INSPECTOR OF POLICE
KALLAL POLICE STATION, SIVAGANGAI DISTRICT.

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

+1 CC to MR.T.VEERAKUMAR, Advocate (SR-6108[I] dated 09/09/2021)

ORDER

IN

CRL OP(MD) No.13301 of 2021

Date :09/09/2021

OGY

MK/VR/SAR.IV/09.09.2021/3P/7C