



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 28/10/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.15596 of 2021

V.Muthukumar

... Petitioner/Accused No.1

Vs

The State rep.by
The Inspector of Police,
Sawyerpuram Police Station,
Thoothukudi District.
Crime No.152/2019

... Respondent/Complainant

For Petitioner : Mr.S.MANDHIRALINGESWARAN,
Advocate.

For Respondent : Mr.A.THIRUVADI KUMAR,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.152/2019 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested on 22.07.2021, for the offence punishable under Sections 379 IPC @ 379, 109 of IPC and Section 21(1) of Mines and Minerals (Development & Regulation) Act, in Crime No.152 of 2019, on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that the petitioner and other accused had illegally transported 1 ½ unit of river sand in their tractor.

3.The learned counsel for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submits that this is the second bail petition. The earlier bail petition filed by the petitioner in CrI.O.P.(MD)No.10533 of 2021 was dismissed by this Court vide order dated 01.09.2021. Now, a charge sheet has been filed in this case. He further submits that the co-accused were granted anticipatory bail by this Court. Hence, he prayed for grant of bail to the petitioner.



4.The learned Additional Public Prosecutor submits that investigation was completed and a charge sheet has been filed in this case.

5.Considering the facts and circumstances of the case, the period of incarceration and also the fact that the charge sheet has been filed in this case, this Court is inclined to grant bail to the petitioner.

6.Accordingly, this Criminal Original Petition is ordered. The petitioner is directed to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Thoothukudi, 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 petitioner shall report before the respondent police daily at 10.30am until further orders.

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

[d]the petitioner shall not tamper with the 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/-

28/10/2021

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/ /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.I
THOOTHUKUDI.



2 DO-THROUGH :THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

4 THE INSPECTOR OF POLICE
SAWYERPURAM POLICE STATION,
THOOTHUKUDI DISTRICT.

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

**ORDER
IN**

CRL OP(MD) No.15596 of 2021
Date :28/10/2021

SA/SKN/SAR.3/28.10.2021/3P/6C