



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

Date : 12/10/2021

PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD). No.15811 of 2021

1. Balamurugan
2. Maruthupandian
3. Premnath
4. Moorthy
5. Karthick

... Petitioners/Accused No.2 to 6

Vs

State Rep.by
The Sub Inspector of Police,
Manamadurai Police Station,
Sivagangai District.
Crime No.493 of 2021.

... Respondent/Complainant

For Petitioners: Mr.C.Susikumar,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabakar,
Additional Public Prosecutor.

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

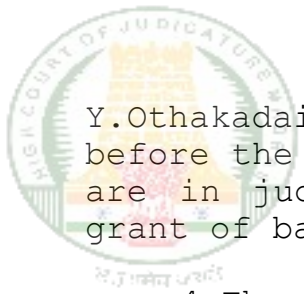
PRAYER :- For Bail in Crime No.493 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/accused, who were arrested on 29.09.2021 for the alleged offence under Section 379 IPC r/w Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.493 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners along with other accused, have illegally transported 1 ½ units of river sand, without valid permit, by using Tipper Lorry. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. However, to show their bona fide, they are prepared to pay a sum of Rs. 15,000/- each to the Head Master, Government Higher Secondary School,



Y.Othakadai, Madurai District, without prejudice to their case before the trial Court. He would further submit that the petitioners are in judicial custody from 29.09.2021 and hence, he seeks for grant of bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the first petitioner/A2 is having one previous case and there is no adverse antecedent as against the other petitioners and the investigation in this case is yet to be completed.

5.Considering the nature of mineral involved, antecedents of the petitioners and their willingness to pay some amount to the credit of Head Master, Government Higher Secondary School, Y.Othakadai, Madurai District and the period of incarceration, this Court is inclined to grant bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Manamadurai, 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.

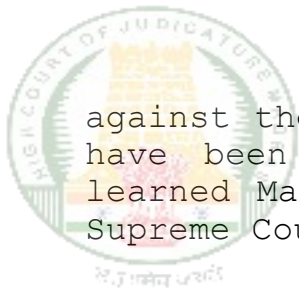
[b] the first petitioner/A2 shall pay a sum of Rs.20,000/- (Rupees Twenty Thousand only) and the petitioners 2 to 5 /A3 to A6 shall pay a sum of Rs.15,000/- each (Rupees Fifteen Thousand only) as non refundable amount to the credit of Head Master, Government Higher Secondary School, Y.Othakadai, Madurai District (State Bank of India in Account No.10968750674 CIF No.80780349513 IFSC No.SBIN0000253), without prejudice to their defence before the trial Court. The petitioners shall execute the sureties on showing the receipts of the said amount.

[c] the petitioners shall report before the respondent police daily at 10.30 a.m. for a period of 30 days and thereafter, 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 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]**.

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

sd/-

12/10/2021

/ TRUE COPY /

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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, MANAMADURAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE OFFICER INCHARGE,
DISTRICT JAIL, VIRUDHUNAGAR.
4. THE SUB INSPECTOR OF POLICE,
MANAMADURAI POLICE STATION,
SIVAGANGAI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE HEAD MASTER,
GOVERNMENT HIGHER SECONDARY SCHOOL,
Y.OTHAKADAI, MADURAI DISTRICT.

+1 CC to M/s.C.SUSI KUMAR, Advocate (SR-7213[I] dated 12/10/2021)

ORDER IN

CRL OP(MD) No.15811 of 2021

Date :12/10/2021

PNM/MSA

MS/PN/SAR-2/12.10.2021/3P.8C

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