



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.15825 of 2021

Sasikumar ... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
Karungal Police Station,
Kanyakumari District.
(Crime No.375 of 2021)

...Respondent/Complainant

For Petitioner : Mr.R.J.Karthick,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

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

PRAYER :-For Bail in Crime No.375 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested on 02.10.2021 for the alleged offence under Section 379 IPC r/w Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.375 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner has illegally transported rubble rock to the tune of Rs.4,000/- by using a tempo vehicle, without any valid permit. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. However, to show his bona fide, he is prepared to pay a sum of Rs.4,000/- to the credit of Head Master, Government Higher Secondary School, Kottanathampatti, Melur Taluk, Madurai District, without prejudice to his case before the trial Court. He would further submit that the petitioner is a diabetic patient, he has renal failure ailment and he is in custody from 02.10.2021. Hence, he seeks for grant of bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner is not having any bad character.



antecedent and the investigation in this case is yet to be completed.

5. Considering the nature of mineral involved, the antecedents of the petitioner, his willingness to pay a some amount to credit of Head Master, Government Higher Secondary School, Kottanathampatti, Melur Taluk, Madurai District and also the period of incarceration, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered 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, Eraniel, 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 petitioner shall pay a sum of Rs.4,000/- (Rupees Four Thousand only) as non refundable amount to the credit of Head Master, Government Higher Secondary School, Kottanathampatti, Melur Taluk, Madurai District (Canara Bank in Account No.3664101000207), without prejudice to his case before the trial Court. The petitioner shall execute the sureties on showing the receipt of the said amount.

[c] the petitioner shall report before the respondent police monthly twice, i.e., the 1st and 15th working day of every English Calendar month at 10.30 a.m. for a period of four months and thereafter, as and when required for interrogation.

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

[e] the petitioner 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/-

12/10/2021

/ 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 COURT,
ERANIEL.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANNIYAKUMARI DISTRICT AT NAGERCOIL.
- 3 THE INSPECTOR OF POLICE
KARUNGAL POLICE STATION, KANYAKUMARI DISTRICT.
- 4 THE OFFICER INCHARGE,
DISTRICT JAIL, NAGERCOIL.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE HEAD MASTER,
GOVERNMENT HIGHER SECONDARY SCHOOL, KOTTANATHAMPATTI,
MELUR TALUK, MADURAI DISTRICT.

ORDER
IN
CRL OP(MD) No.15825 of 2021
Date :12/10/2021

MK/PN/SAR.II/12.10.2021/3P/7C