



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.15897 of 2021

1.Marisamy
2.Ravichandran
3.Pavithras ... Petitioners/Accused 1 to 3

Vs

The state represented by
The Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi District.
Crime No.857 of 2021 ...Respondent/Complainant

For Petitioners : Mr.G.Thalaimutharasu,
Advocate.

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

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

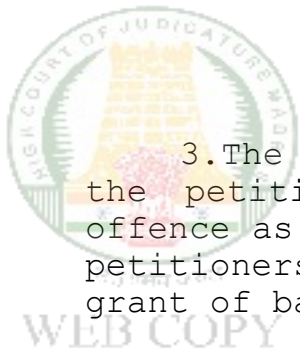
PRAYER :-

For Bail in Crime No.857 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused 1 to 3, who were arrested on 30.09.2021 for the alleged offence under Sections 379 and 353 IPC @ 379 and 353 IPC and Section 21(1) of Mines Minerals (Development & Regulation) Act, 1957, in Crime No.857 of 2021 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners and other accused have attempted to transport one unit of gravel sand illegally by using Tractor with the help of JCB. 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. He would also submit that the petitioners are in jail from 30.09.2021 and hence, they seek for grant of bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that no previous case is pending against the petitioners 1 and 2 and two previous cases are pending against the third petitioner. He would further submit that the investigation in this case is yet to be completed.

5.Considering the nature of mineral involved, the antecedents of the petitioners 1 and 2 and also the period of incarceration, this Court is inclined to grant bail to the petitioners 1 and 2 with certain conditions.

6.Considering the previous antecedents of the third petitioner/A3, this Court is not inclined to grant bail to the third petitioner and this petition is dismissed as against the third petitioner.

7. Accordingly, the petitioners 1 and 2 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 No.II, Kovilpatti, 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 1 and 2 shall report before the respondent police daily at 10.30 a.m. for a period of one month and thereafter as and when required for interrogation.

[c] the petitioners 1 and 2 shall not abscond either during investigation or trial.

[d] the petitioners 1 and 2 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 1 and 2 in accordance with law as if the conditions have been imposed and the petitioners 1 and 2 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 /

/ /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.II,
KOVILPATTI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKKUDI DISTRICT.
- 3 THE INSPECTOR OF POLICE
THIRUVERAMBUR POLICE STATION,
TRICHY DISTRICT.
- 4 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.15897 of 2021

Date :12/10/2021

sjj/sn

SS/PN/SAR-II/12.10.2021 : 3P/6C