



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.15937 of 2021

Mohamed Rishwan

... Petitioner/Accused No.4

Vs

State Rep.by
The Inspector of Police,
Uchipuli Police Station,
Ramanathapuram District.
(Crime No.321 of 2021)

...Respondent/Complainant

For Petitioner : Mr.C.Susikumar
Advocate.

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

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

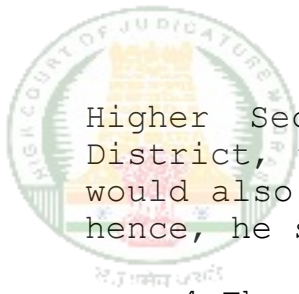
PRAYER :- For Bail in Crime No.321 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/4th accused, who was arrested on 30.09.2021 for the alleged offence under Section 379 IPC and Section 21(4) of Mines Minerals (Development & Regulation) Act, 1957 @ 379 IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.321 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and other accused have illegally transported one unit of river sand by using Tractor. 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.10,000/- to the Head Master, Government



Higher Secondary School, Kottanathampatti, Melur Taluk, Madurai District, without prejudice to his case before the trial Court. He would also submit that the petitioner is in jail from 30.09.2021 and 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 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 sum of Rs. 10,000/- to the Head Master, Government Higher Secondary School, Kottanathampatti, Melur Taluk, Madurai District, and 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 No.II, Ramanathapuram, 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.10,000/- (Rupees Ten Thousand only) as non refundable amount to the account of Head Master, Government Higher Secondary School, Kottanathampatti, Melur Taluk, Madurai District (Canara Bank, Account No.3664101000207)**. The petitioner shall execute the sureties on showing the receipt of the said amount.

[c] the petitioner 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.

[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 /

WEB 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, RAMANATHAPURAM.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE OFFICER INCHARGE,
DISTRICT PRISON, RAMANATHAPURAM.
4. THE INSPECTOR OF POLICE,
UCHIPULI POLICE STATION, RAMANATHAPURAM DISTRICT.
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.15937 of 2021
Date :12/10/2021

SJI/SN
MS/VR/SAR-2/12.10.2021/3P.7C