



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 12.11.2021
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.17599 of 2021

1.Kannan
2.Gopalakrishnan

... Petitioners/Accused Nos.1 & 2

Vs

The State rep.by
The Inspector of Police,
Manapparai Police Station,
Trichy District.
Crime No.1052/2021

... Respondent/Complainant

For petitioners : Mr.M.PITCHAI MUTHU
Advocate.

For Respondent : Mr.R.MEENAKSHI SUNDARAM,
Additional Public Prosecutor

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

PRAYER :-

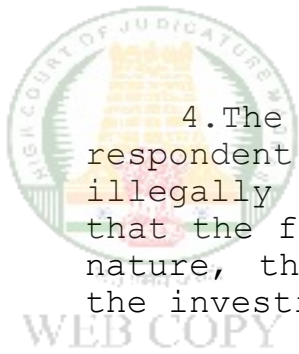
For Bail in Crime No.1052 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2, who were arrested and remanded to judicial custody on 24.10.2021 for the offences punishable under Section 379 IPC r/w Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.1052 of 2021 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners have illegally transported one unit of river sand by using Tractor. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocents, they have not committed any offence as alleged by the prosecution and they are in jail from 24.10.2021. However, he would further submit that the petitioners, without prejudice to their right, are ready to deposit the amount that may be imposed by this Court.



4.The learned Additional Public Prosecutor appearing for the respondent police would submit that one unit of river sand was illegally transported by the petitioners. He would further submit that the first petitioner is having one previous case of similar in nature, the second petitioner is having no previous case and that the investigation is yet to be completed.

5.Considering the nature of the offence alleged, the antecedents of the petitioners and also the period of incarceration, this Court is inclined to grant bail to the petitioners on certain conditions.

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, Manaparai, Trichy District, 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 Aadhaar card or bank pass book to ensure their identity.

[b] the petitioners shall pay a sum of **Rs.10,000/- (Rupees Ten Thousand only) each** to the credit of the District Mineral Foundation Trust, Trichy District, without prejudice to their rights and contentions before the trial Court. The petitioners shall execute the sureties on showing the receipt of the said amount.

[c] the petitioners 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 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/-
12/11/2021

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

COPY TO:

THE OFFICER INCHARGE
DISTRICT MINERAL FOUNDATION TRUST,
TRICHY DISTRICT.

ORDER

IN

CRL OP(MD) No.17599 of 2021
Date :12/11/2021

SA/PN/SAR.3/12.11.2021/3P/7C