



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

Date : 29/11/2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.18739 of 2021

1. Arunpandi,

2. Muthuchamy,

... Petitioners/Accused Nos.1 & 2

Vs

State Rep by

The Inspector of Police,
Kariapatti Police Station,
Virudhunagar District
(Crime No. 209 of 2021).

... Respondent/Complainant

For Petitioners: M/s.Prabha S,
Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

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

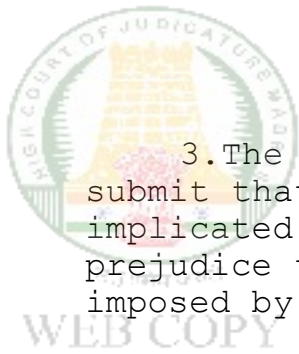
PRAYER :-

For Bail in Crime No. 209 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 & A2, who were arrested and remanded to judicial custody on 13.11.2021 for the offences punishable under Section 379 of IPC and Section 21(s) of Mines and Minerals Development and Regulation Act, 1957 in Crime No.209 of 2021 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners have illegally transported ½ unit of river sand by using vehicle bearing Registration No.TN-67-BE-5720. Hence, the complaint.



3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that without prejudice to their right, is 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 $\frac{1}{2}$ unit of river sand was illegally transported by the petitioners and that the petitioners are not having any previous case.

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, Trichy, 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.5,000/- (Rupees Five Thousand only) each** to the credit of the District Mineral Foundation Trust, Virudhunagar District, without prejudice to his 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/-
29/11/2021

WEB COPY

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

dss

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,
Trichy.
2. Do-Through The Chief Judicial Magistrate,
Viruthunagar District.
3. The Officer Incharge,
The Sub-Jail, Virudhunagar District.
4. The Inspector of Police,
Kariapatti Police Station,
Virudhunagar District
5. The Officer Incharge,
District Mineral Foundation Trust,
Virudhunagar District.
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER IN
CRL OP(MD) No.18739 of 2021
Date : 29/11/2021

TR/SKN/SAR-II(29.11.2021) 3P 7C

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