



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 19/01/2022
PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD).No.660 of 2022

Murugan

... Petitioner/Accused 1

Vs

The State rep.by,
The Inspector of Police,
Paramakudi Taluk Police Station,
Ramanathapuram District.
(Crime No.383 of 2021)

... Respondent/Complainant

For Petitioner : Mr.B.Ramamoorthi, Advocate.
For Respondent : Mr.S.Manikandan,
Government Advocate (Crl.Side)

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

PRAYER :-For Bail in Crime No.383 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested on 14.12.2021 for the offence punishable under Sections 379 IPC and 21 (1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.383 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that when the respondent police were on patrolling duty, they intercepted and seized the vehicle bearing Registration No.TN-74-AK-4899, which carrying $\frac{3}{4}$ unit of river sand. Hence, the complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent and has not committed any offence as alleged by the prosecution, but, a false case has been foisted as against him.

4.The learned Government Advocate (Crl.side) appearing for the respondent police submitted that this is second bail application. The petitioner's earlier application was dismissed by this Court on the ground that the petitioner is having two previous cases, which are similar in nature. Hence, he strongly opposed to grant bail to



5.Considering the facts and circumstances of the case and considering the fact that the petitioner is in judicial custody from 14.12.2021, this Court is inclined to grant bail to the petitioner subject to the following conditions.

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6.Accordingly, this Criminal Original Petition is ordered. The petitioner is directed 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, Paramakudi, and on further conditions 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.12,000/- (Rupees Twelve 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 30 days and thereafter as and when required.

[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/-

19/01/2022

/ TRUE COPY /

19/01/2022

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,
PARAMAKUDI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
RAMANATHAPURAM DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISION, MADURAI.
- 4 THE INSPECTOR OF POLICE
PARAMAKUDI TALUK 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.660 of 2022
Date :19/01/2022

vsd
MK/VR/SAR.II/19.01.2022/3P/7C