



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

Date : 02/03/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR
CRL OP(MD). No.4083 of 2022

WEB COPY

1. Muniyasamy
2. Dhayananthan

... Petitioners/Accused No.1&2

Vs

The State Rep. By,
The Inspector of Police,
Kovivlangulam Police Station,
Ramanathapuram District.
Cr.No.9 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Senthil Murugan.C,
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.9 of 2022 on the file of the Respondent police.

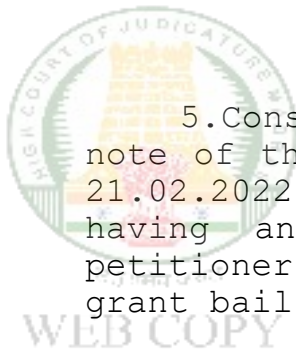
ORDER : The Court made the following order :-

The petitioners/A1 and A2, who were arrested and remanded to judicial custody on 21.02.2022 for the offences punishable under Section 379 of IPC and Section 21(1) of Mines and Minerals (Development and Regulations) Act, 1957 in Crime No.09 of 2022 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 for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. 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 for the respondent police would submit that the petitioners have transported one unit of river sand illegally. He would further submit that the first petitioner is having one previous case and the second petitioner is



5.Considering the above facts and circumstances and also taking note of the fact that the petitioners are in judicial custody from 21.02.2022 and also the fact that the second petitioner is not having any previous case for similar offence and the first petitioner is having one similar case, this Court is inclined to grant bail to the petitioners subject to the following conditions:

6.Accordingly, the first petitioner shall pay a sum of Rs.10,000/- (Rupees Ten Thousand only) and the second petitioner shall pay a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of the District Mineral Foundation Trust, Ramanathapuram District without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned District Munsif-cum-Judicial Magistrate, Kamuthi.

7.On such deposit, 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 District Munsif-cum-Judicial Magistrate, Kamuthi and on further conditions that:

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

ii) the petitioners shall appear before the respondent police daily at 10.30 a.m for a period of thirty days and thereafter, as and when required for interrogation.

iii)the petitioners shall not tamper with evidence or witness.

iv) the petitioners shall not abscond during trial.

v)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].

vi) If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
02/03/2022

/ TRUE COPY /

/ /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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
KAMUTHI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE OFFICER-INCHARGE,
SUB JAIL, PARAMAKUDI.
4. THE INSPECTOR OF POLICE,
KOVIVLANGULAM POLICE STATION,
RAMANATHAPURAM DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO :

THE OFFICER-INCHARGE,
DISTRICT MINERAL FOUNDATION TRUST,
RAMANATHAPURAM DISTRICT.

ORDER

IN

CRL OP(MD) No.4083 of 2022

Date : 02/03/2022

USK/VR/SAR-IV/02.03.2022/3P/7C