



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17.03.2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.5051 of 2022

Vijil Kumar

... Petitioner/ Sole Accused

Vs

The State represented by
The Inspector of Police,
Thiruvattar Police Station,
Kanyakumari District.
(Crime No.61 of 2022)

... Respondent/ Complainant

For Petitioner : Mr.R.Jenifar Bibin,
Advocate.

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

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

PRAYER :-For Bail in Crime No.61 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/accused, who was arrested and remanded to judicial custody on 02.03.2022 for the offences punishable under Section 379 IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.61 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner has illegally transported 2 units of red sand. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. However, he would further submit that the petitioner, without prejudice to his rights, is ready to deposit the amount that may be imposed by this Court.



4.The learned Additional Public Prosecutor would submit that the petitioner has transported 2 units of red sand illegally. He would further submit that the petitioner is not having any previous cases.

5.Considering the above and also the nature of the charges levelled against the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

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, Padmanabhapuram, 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 petitioner shall pay a sum of **Rs.10,000/- (Rupees Ten Thousand only)** to the credit of the District Mineral Foundation Trust, Kanyakumari District, without prejudice to his rights and contentions before the trial Court. 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 thirty (30) days and thereafter as and when required for interrogation.

[d]the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[e]the petitioner shall not abscond 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 229-A IPC.

sd/-

17/03/2022

/ 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 JUDICIAL MAGISTRATE NO.II,
PADMANABHAPURAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3 THE INSPECTOR OF POLICE
THIRUVATTAR POLICE STATION, KANYAKUMARI DISTRICT.
- 4 THE OFFICER INCHARGE,
SUB JAIL, KUZHITHURAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:
THE OFFICER INCHARGE,
DISTRICT MINERAL FOUNDATION TRUST,
KANYAKUMARI DISTRICT,

+1 CC to Mr.R.JENIFAR BIBIN, Advocate (SR-2115[I] dated 17/03/2022)

ORDER
IN
CRL OP(MD) No.5051 of 2022
Date :17/03/2022

CSM
MK/PN/SAR.IV/17.03.2022/3P/8C