



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 22/03/2022
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.5310 of 2022

Moorthy @ Krishnamoorty

... Petitioner/Accused No.1

Vs

The State rep.by
The Inspector of Police,
Valanadu Police Station,
Valanadu,
Trichy District
(Crime No. 29 of 2022).

... Respondent/Complainant

For Petitioner : M/s.VADIVELAN.T.,
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. 29 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 04.03.2022 for the offences punishable under Sections 379 IPC r/w 21(1) of Mines and Minerals (Development and Regulation) Act, in Crime No.29 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and other accused have illegally transported one unit of river 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. He would further submit that A2 was already arrested and released on bail by the lower Court. However, he would further submit that the petitioner, without prejudice to his right, is ready to deposit the amount that may be imposed by this Court.

4.The learned Additional Public Prosecutor would submit that the petitioner and other accused have transported one unit of river



sand illegally. He would further submit that the petitioner is having one previous case for similar offence.

5.Considering the above facts and circumstances and also taking note of the fact that the petitioner is in judicial custody from 04.03.2022 and also the fact that A2 was already released on bail, this Court is inclined to grant bail to the petitioner subject to the following 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, Manapparai, 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.20,000/- (Rupees Twenty Thousand only)** to the credit of the District Mineral Foundation Trust, Trichy 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/-

22/03/2022

/ TRUE COPY /

22/03/2022

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
MANAPPARAI.
- 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL JAIL, TRICHY.
- 4 THE INSPECTOR OF POLICE
VALANADU POLICE STATION,
VALANADU, 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.

+1. CC to M/S.VADIVELAN.T. Advocate SR.No.2320

ORDER

IN

CRL OP(MD) No.5310 of 2022

Date :22/03/2022

SA/VR/SAR.3/22.03.2022/3P/8C