



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 13.04.2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR
CRL OP(MD) . No.6914 of 2022

1. Krishna Moorthy

2. Jothiraj

... Petitioners/ Accused 1 & 2

Vs

State represented by
The Sub-Inspector of Police,
Chokkampatti Police Station,
Tenkasi District.
(Crime No.74 of 2022)

... Respondent/ Complainant

For Petitioners : Mr.S.Kumar,
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.74 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A.1 & A.2, who were arrested and remanded to judicial custody on 01.04.2022 for the offence punishable under Section 379 IPC, in Crime No.74 of 2022, on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners and other accused have illegally transported 2 units of red sand. Hence, the complaint.

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

4.The learned Additional Public Prosecutor would submit that the petitioners have transported 2 units of red sand illegally. He would further submit that the first petitioner is having two



previous cases, in which, one case for similar offence and that the second petitioner is having one previous case under the IPC offence.

5.Considering the above and also the nature of the charges levelled against the petitioners, this Court is inclined to grant bail to the petitioners with 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 Court, Tenkasi, 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 deposit a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** each to the credit of the District Mineral Foundation Trust, Tirunelveli District, without prejudice to their 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 thirty (30) days and thereafter as and when required for interrogation.

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

[e]the petitioners 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 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
13/04/2022

/ 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,
TENKASI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.
- 3 THE SUB INSPECTOR OF POLICE
CHOKKAMPATTI POLICE STATION, TENKASI DISTRICT.
- 4 THE OFFICER INCHARGE,
SUB JAIL, TENKASI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE OFFICER INCHARGE,
DISTRICT MINERAL FOUNDATION TRUST,
TIRUNELVELI DISTRICT.

+1. CC to M/S.KUMAR S Advocate SR.No.3392

ORDER
IN
CRL OP(MD) No.6914 of 2022
Date :13/04/2022

SS/VR/SAR:I/13.04.2022 : 3P/8C