



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/04/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.7860 of 2022

M.Rahul

... Petitioner/Accused No.1

Vs

The State rep.by,
The Inspector of Police,
Jeeyarpuram Police Station,
Trichy District.
(In Crime No.967 of 2020)

... Respondent/Complainant

For Petitioner : M/s.S.Malaikani,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :-For Bail in Crime No.967 of 2020 on the file of the Respondent Police.

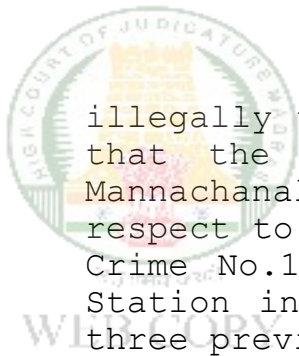
ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 02.04.2022 for the offences punishable under Section 379 of IPC r/w Section 21(4) of Mines and Minerals Act @ 379, 420 and 201 of IPC r/w 21(4) of Mines and Minerals Act in Crime No.967 of 2020, 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 ½ unit of river sand. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent person and he has not committed any offence as alleged by the prosecution. 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 for the respondent
<https://hccservices.gov.in/hccservices> submit that the petitioner and other accused have



illegally transported $\frac{1}{2}$ unit of river sand. He would further submit that the petitioner is having four previous cases, in which, Mannachanallur Police Station in Crime Nos.75 and 61 of 2019 with respect to $\frac{3}{4}$ and $1\frac{1}{4}$ units of river sand, Kollidam Police Station in Crime No.109 of 2021 for $\frac{1}{2}$ unit of river sand and E.Pudur Police Station in Crime No.428 of 2019 for $\frac{1}{2}$ unit of river sand and the three previous cases are below one unit of river sand.

5.Considering the above facts and circumstances and also taking note of the fact that the petitioner is in judicial custody from 02.04.2022, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6.Accordingly, the petitioner shall pay a sum of Rs.30,000/- (Rupees Thirty Thousand only) to the credit of the District Mineral Foundation Trust, Trichy District without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate No.III, Trichy.

7.On such deposit, the petitioner is ordered to be released on bail on condition that the petitioner shall execute 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.III, Trichy and on further conditions that:

(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of one month and thereafter, as and when required for interrogation;

(c)the petitioner shall not tamper with the evidence or witness either during investigation or trial;

(d)the petitioner shall not abscond either during investigation or trial;

(e)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]***; and;



(f)if the accused / petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
27/04/2022

/ TRUE COPY /

WEB COPY

27/04/2022
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.III
TRICHY.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
- 4 THE INSPECTOR OF POLICE
JEEYARPURAM POLICE STATION, 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 MR.S.MALAIKANI, Advocate SR.No.3944 (I)

ORDER
IN
CRL OP(MD) No.7860 of 2022
Date :27/04/2022

SJI
MK/VR/SAR.I/27.04.2022/3P/8C