



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

Date : 28/04/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.8025 of 2022

WEB COPY

1.Ramu S/o.Packiyanathan
2.Ramu S/o.Andi

... Petitioners/Accused No.1 & 2

Vs

State Rep.by
The Inspector of Police,
Bazaar Police Station,
Ramanathapuram District.
Crime No.139 of 2022.

... Respondent/Complainant

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

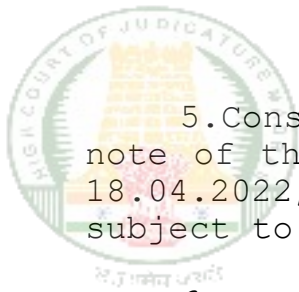
ORDER : The Court made the following order :-

The petitioners/A1 & A2, who was arrested and remanded to judicial custody on 18.04.2022 for the offences punishable under Section 379 of IPC and Section 21(4) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.139 of 2022, on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners have illegally transported ½ unit 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 rights, 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 ½ unit of river sand illegally.



5.Considering the above facts and circumstances and also taking note of the fact that the petitioners are in judicial custody from 18.04.2022, this Court is inclined to grant bail to the petitioners subject to the following conditions:

6.Accordingly, the petitioners shall pay a sum of Rs.5,000/- (Rupees Five Thousand only) each 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 Judicial Magistrate No.I, Ramanathapuram.

7.On such deposit, the petitioners are ordered to be released on bail on condition that the petitioners shall execute 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 No.I, Ramanathapuram and on further conditions that:

(a)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 petitioners 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 petitioners shall not tamper with the evidence or witness either during investigation or trial;

(d)the petitioners 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 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]***; and;

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

sd/-

28/04/2022

/ TRUE COPY /

28/04/2022

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.

WEB COPY

- TO
- 1 THE JUDICIAL MAGISTRATE NO.I,
RAMANATHAPURAM DISTRICT.
 - 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
 - 3 THE INSPECTOR OF POLICE
BAZAAR POLICE STATION,
RAMANATHAPURAM DISTRICT.
 - 4 THE OFFICER INCHARGE,
DISTRICT PRISON,
RAMANATHAPURAM.
 - 5 THE OFFICER INCHARGE,
DISTRICT MINERAL FOUNDATION TRUST,
RAMANATHAPURAM DISTRICT.
 - 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.C.SENTHIL MURUGAN, Advocate (SR-4011[I] dated 28/04/2022)

ORDER
IN
CRL OP(MD) No.8025 of 2022
Date :28/04/2022

RS/VR/SAR.2 (28.04.2022) 3P-8C