



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

Date : 09/06/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.10129 of 2022

1. Devaraj
2. Kalaikumar
3. Manisekar

... Petitioners/Accused No.3 to 5

Vs

The State Rep. By,
The Sub-Inspector of Police,
Chinnakovilankulam Police Station,
Tenkasi.

Crime No.80 of 2022.

... Respondent/Complainant

For Petitioners : M/s.Vishnuvardhan S,
Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.80 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A3 to A5, who were arrested and remanded to judicial custody on 24.05.2022 for the offences punishable under Section 379 of IPC and Sections 21(1) and 21(4) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.80 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 one unit of sand. Hence, the complaint.

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



4.The learned Government Advocate (Crl. side) appearing for the respondent police would submit that one unit of sand was illegally transported by the petitioners and that the petitioners are having no previous case.

5.Considering the nature of the offence alleged, the antecedents of the petitioners and also the period of incarceration, this Court is inclined to grant bail to the petitioners on 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, Sankarankovil, 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 1 and 3 shall pay a sum of Rs.7,500/- (Rupees Seven Thousand and Five Hundred) each and the second petitioner shall pay a sum of Rs.5,000/- (Rupees Five Thousand only) 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 one month and thereafter as and when required for interrogation.

[d] the petitioners shall not abscond either during investigation or trial.

[e] the petitioners shall not tamper with evidence or witness 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 abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
09/06/2022

/ TRUE COPY /

09/06/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1. THE JUDICIAL MAGISTRATE,
SANKARANKOVIL.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE OFFICER-INCHARGE,
SUB JAIL, SANKARANKOVIL.
4. THE INSPECTOR OF POLICE,
CHINNAKOVILANKULAM POLICE STATION,
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.S.VISHNUVARDHAN, Advocate (SR-5294[I] dated
09/06/2022)

ORDER
IN
CRL OP(MD) No.10129 of 2022
Date :09/06/2022

sj i
USK/PN/SAR-II/09.06.2022/3P/8C