



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 22.08.2022
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.14938 of 2022

1.Siva
2.Maharaja

... Petitioners/A1 & A3

Vs

The State rep.by
The Inspector of Police,
Kodankulam Police Station,
Tirunelveli District.
Crime No.299 of 2022

... Respondent/Complainant

For Petitioners: Mr.B.VINOTHKUMAR
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.299 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 & A3, who were arrested and remanded to judicial custody on 22.07.2022 for the offences punishable under Section 379 of IPC in Crime No.299 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 20 units of river 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. He would further submit that A2 to A4 were already granted anticipatory bail by this Court. 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 20 units of sand was illegally transported by the petitioners and other accused 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, Radhapuram, 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 pay a sum of **Rs.25,000/- each (Rupees Twenty 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/-
22/08/2022

/ TRUE COPY /

22/08/2022
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
RADHAPURAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE OFFICER INCHARGE
TIRUNELVELI PRISON, TIRUNELVELI.
- 4 THE INSPECTOR OF POLICE,
KODANKULAM POLICE STATION,
TIRUNELVELI DISTRICT.
- 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.VINOTHKUMAR.B Advocate SR.No.8785

ORDER**IN**

CRL OP(MD) No.14938 of 2022

Date :22/08/2022

SJI

SA/VR/SAR.2/22.08.2022/3P/8C