



WEB COPY

CRL OP(MD). N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/10/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.18433 of 2022

1. Ajithkumar
2. Balamurugan
3. Mohanraj

... Petitioners/Accused No.1 to 3

Vs

State Rep.by
The Inspector of Police,
Singampunari Police Station,
Sivagangai District.
(Crime No.135 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Balaji S, Advocate.
For Respondent : Mr.E.Antony Sahaya Prabahar,
Government Advocate (Crl.Side)

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

PRAYER :-

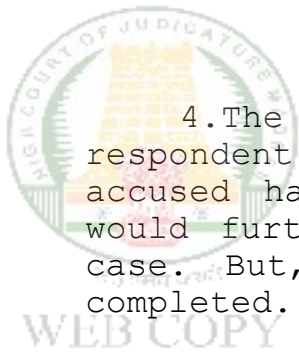
For Bail in Crime No.135 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 to A3, who were arrested and remanded to judicial custody on 30.09.2022 for the offences punishable under Section 379 IPC and Section 21(4) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.135 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 two units of Savudu sand. Hence, the complaint.

3.The learned counsel 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 shall abide any condition imposed by this Court. Hence, he prays for bail.



4.The learned Additional Public Prosecutor appearing before the respondent police would submit that the petitioners and other accused have transported two units of Savudu sand illegally. He would further submit that the petitioners are having no previous case. But, however, the investigation in this case is not yet completed. Hence, he strongly opposed to grant anticipatory bail.

5.Considering the facts and circumstances of the case and also considering the facts that the petitioners are not having any previous case and the petitioners are in judicial custody from 30.09.2022, this Court is inclined to grant bail to the petitioners subject to the following conditions:

6.Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Singampunari, Sivagangai District.

(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii) the petitioners are directed to deposit a sum of **Rs.1,000/- (Rupees Thousand only) to the credit of Claretian Mercy Home, Azhagusirai, Ponnangalam (post) Thirumangalam Taluk, Madurai District, Union Bank of India, Kochadai Account No. 493902010319538, IFSC Code No. UBIN 0549398) (Phone Nos. 04549-294901 & 8098672866),** without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties;

(iii)the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders;

(iv)the petitioners shall not tamper with evidence or witness;

(v)the petitioners shall not abscond during trial.

(vi)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].

sd/-

17/10/2022

/ TRUE COPY /

17/10/2022

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



TO

- 1 THE JUDICIAL MAGISTRATE, SINGAMPUNARI, SIVAGANGAI DISTRICT.
 - 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.
 - 3 THE OFFICER INCHARGE, SUB JAIL, THIRUPPATHUR, SIVAGANGAI DISTRICT.
 - 4 THE INSPECTOR OF POLICE, SINGAMPUNARI POLICE STATION, SIVAGANGAI
 - 5 THE OFFICER INCHARGE, CLARETIAN MERCY HOME, AZHAGUSIRAI,
PONNAMANGALAM (POST), THIRUMANGALAM TALUK, MADURAI DISTRICT.
 - 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.S.BALAJI, Advocate (SR-11475[I] dated 17/10/2022)

ORDER
IN
CRL OP(MD) No.18433 of 2022
Date :17/10/2022

SJI
RS/VR/SAR.(17.10.2022) 3P-8C