



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 30/11/2022
PRESENT

WEB COPY

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

CRL OP(MD). No.21170 of 2022

M.Shanmugam @ Shanmugaraja

... Petitioner/Sole Accused

Vs

The State rep.by
The Sub Inspector of Police,
Devakottai Taluk Police Station,
Sivagangai District.
(Crime No.204 of 2022).

... Respondent/Complainant

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

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No.204 of 2022 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 18.11.2022 for the offences punishable under Sections 379 of IPC and 21(1) of Mines & Minerals (D&R) Act, 1957, in Crime No.204 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner has illegally transported 2 units of river sand worth about Rs.16,000/- without any valid permission by using Tipper Lorry. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that he is in judicial custody from judicial custody on 18.11.2022. Hence, he prays for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that petitioner has illegally transported 2 units of river sand worth



about Rs.16,000/- without any valid permission by using a Lorry. He is having 1 previous case and the investigation is not yet completed. Hence, he strongly opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

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

(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 petitioner is directed to deposit a sum of **Rs.3,000/- (Rupees Three Thousand only) to the credit of Indian Association for the Blind, Alagar Kovil Road, Sundararajanpatti, Madurai**, without prejudice to his rights and contentions before the trial Court;

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

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

(v) the petitioner shall not abscond during trial.

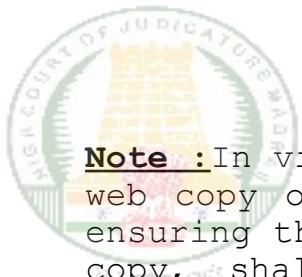
(vi) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

vii) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
30/11/2022

/ TRUE COPY /

30/11/2022
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,
DEVAKOATTAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3 THE OFFICER INCHARGE,
SUB JAIL, THIRUPPATHUR.
- 4 THE SUB INSPECTOR OF POLICE,
DEVAKOTTAI TALUK POLICE STATION,
SIVAGANGAI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE OFFICER INCHARGE,
INDIAN ASSOCIATION FOR THE BLIND,
ALAGAR KOVIL ROAD, SUNDARARAJANPATTI,
MADURAI.

+1. CC to M/S.SANJAY S M Advocate SR.No.13983

ORDER

IN

CRL OP(MD) No.21170 of 2022
Date :30/11/2022

DSS
SA/SSS/SAR. /30.11.2022/3P/8C