



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

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN
CRL OP(MD). No.21166 of 2022

WEB COPY

1. K.Kathiravan
2. S.Selvendhiran
3. V.Manikandan

... Petitioners/Accused No.3,5 & 6

Vs

State Rep.by
The Inspector of Police,
Vangal Police Station,
Karur District.
(Crime No.544 of 2022).

... Respondent/Complainant

For Petitioners : M/s.Gokul Raj S, 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.544 of 2022 on the file of the Respondent Police

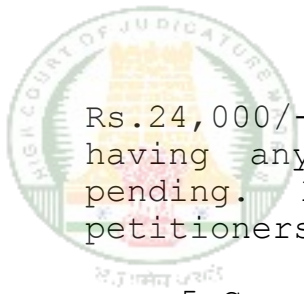
ORDER : The Court made the following order :-

The petitioners/A3, A5 & A5, who were arrested and remanded to judicial custody on 21.11.2022 for the offences punishable under Sections 379 of IPC r/w Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.544 of 2022 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners along with other accused illegally transported 3 units of river sand worth about Rs.24,000/- by using Tipper Lorry without getting any proper permission or license. 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 no previous case is pending against the petitioners and the petitioners are in judicial custody from 21.11.2022. Hence, he prays for grant of bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioners along with other accused illegally transported 3 units of river sand worth about



Rs.24,000/-. He would further submit that the petitioners not having any previous case. However, the investigation is still pending. Hence, he strongly opposed to grant bail to the petitioners.

5. Considering the period of incarceration and also considering the fact that no bad antecedent is reported against the petitioners, 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 No.II, Karur.

(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 **each petitioner** is directed to deposit a sum of **Rs.2,000/- (Rupees Two Thousand only) to the credit of the Head Mistress, MDU East PU Primary School, Y.Othakadai, Madurai (SBI Bank, CIF No.80080760812, A/c No.10111536270, IFSC No.SBIN0002246), Phone No.2422950**, 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 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 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].

(vii) If the accused thereafter abscond, 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, 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.II, KARUR.
 - 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, KARUR DISTRICT.
 - 3 THE OFFICER INCHARGE, SUB JAIL, KULITHALAI, KARUR DISTRICT.
 - 4 THE INSPECTOR OF POLICE, VANGAL POLICE STATION, KARUR DISTRICT.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE HEAD MISTRESS,
MDU EAST PU PRIMARY SCHOOL,
Y.OTHAKADAI,
MADURAI.

+1 CC to M/s.S.GOKUL RAJ, Advocate (SR-14003[I] dated 30/11/2022)

ORDER
IN
CRL OP(MD) No.21166 of 2022
Date :30/11/2022

DSS
RS/VR/SAR.(30.11.2022) 3P-8C