



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 01/12/2022
PRESENT

WEB COPY

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

CRL OP(MD) . No.21254 of 2022

1. R.Ashok,
2. A.Sathishkumar,
3. Dharmaraj, ... Petitioners/Accused Nos.1,2,4

Vs

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

... Respondent/Complainant

For Petitioner : M/s.Gokul Raj S,
Advocate.

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

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

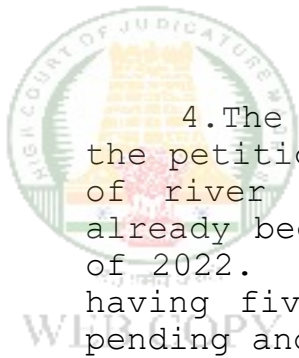
PRAYER :- For Bail in Crime No.544 of 2022 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioners /Accused, who were arrested and remanded to judicial custody on 21.11.2022 for the offences punishable under Sections 379 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 and other accused have illegally transported 3 units of river sand worth about Rs.24,000/- by using tipper lorry. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case. He would further submit that the petitioners are in judicial custody from 21.11.2022 and hence, they may be granted bail.



4.The learned Government Advocate (Crl. Side) would submit at the petitioners and other accused have illegally transported 3 units of river sand worth about Rs.24,000/- and the co-accused has already been released on bail by this Court in Crl.O.P(MD).No.21166 of 2022. He would further submit that the petitioners / A2 and A4 having five previous cases and the investigation of the case is pending and he strongly opposed to grant bail to the petitioners.

5.Considering the facts and circumstances of the case and also considering the fact that co-accused has already been released on bail and also considering the period of incarceration, this Court is inclined to grant bail to the petitioners on certain 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 petitioners are directed to pay a sum of Rs.2,000/- (Rupees Two Thousand only) to the Headmaster, Panchayat Union Primary School, Othakadai, Madurai East, **(Account No:-10111536270, IFSC Code:- SBIN0002246, State Bank of India, Othakadai, Madurai)** without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties;

(ii) 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;

(iii)the petitioners shall appear 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].

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

sd/-

01/12/2022

/ TRUE COPY /

01/12/2022

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



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 HEADMASTER,
PANCHAYAT UNION PRIMARY SCHOOL,
OTHAKADAI, MADURAI EAST, MADURAI.

+1. CC to M/S.GOKUL RAJ S Advocate SR.No.14163

ORDER

IN

CRL OP(MD) No.21254 of 2022
Date :01/12/2022

TRP

SA/VR/SAR.3/01.12.2022/3P/8C