



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )

Date : 06/01/2023

PRESENT

WEB COPY

**The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA**

CRL OP(MD) . No.23041 of 2022

1. Madasamy
2. Muthu Magesh

... Petitioners/Accused No.5&7

Vs

The State Rep. by,  
The Inspector of Police,  
Moondradaippu Police Station,  
Tirunelveli District.  
Crime No.110 of 2022.

... Respondent/Complainant

For Petitioners : M/s.Prithviraj P.R.,  
Advocate.  
For Respondent : Mr.T.Senthilkumar,  
Additional Public Prosecutor

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

PRAYER :-

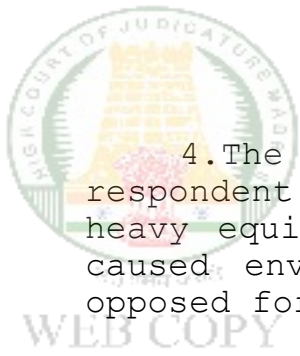
For Bail in Crime No.110 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A5 and A7, who were arrested and remanded to judicial custody on 06.12.2022 for the offence punishable under Sections 379 IPC (sand theft) in Crime No.110 of 2022 on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 06.12.2022 the petitioners have illegally transported 14 units of river sand in a tipper lorry using JCB. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they being driver of JCB and lorry have been falsely implicated in this case. He would further submit that without prejudice, the petitioners are ready and willing to deposit an amount of Rs.15,000/- each(Rupees Fifteen Thousand only) to any welfare scheme. He would further submit that the petitioners are in custody from 06.12.2022, hence, he seeks for bail.



4.The learned Additional Public Prosecutor appearing for the respondent would submit that on 06.12.2022 the petitioners using heavy equipments illegally transported 14 units of river sand and caused environmental degradation by taking river sand Hence, he opposed for grant of bail to the petitioner.

6.Heard. Perused the materials available on record including the First Information Report.

7.Taking into consideration of the facts and submissions made by the learned counsels and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, the petitioners are ordered to be released on bail on condition to execute 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 Nanguneri, and on further conditions that:

(b) the petitioners shall deposit a sum of Rs.15,000/- each (Rupees Fifteen Thousand only) as non refundable deposit by way of Demand Draft/RTGS/NEFT to the Madurai Bench High Court Advocates Association (MBHAA), A/c No.496038755, IFSC Code - IDB000H040, Indian Bank, Madurai Bench of Madras High Court, Madurai, for the purpose of purchasing E-Journal and that the receipt of such deposit shall be produced before the concerned Magistrate at the time of executing the bond

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(d) the petitioners shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter, every Saturday at 10.30 a.m., until further orders;

(e) the petitioners shall not commit any offences of similar nature;

(f) the petitioners shall not abscond either during investigation or trial;

(g) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(h) on breach of any of the aforesaid conditions, the learned Judicial 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];



(i) if the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-  
06/01/2023

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06/01/2023

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

AAV

TO

1. THE JUDICIAL MAGISTRATE,  
NANGUNERI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,  
TIRUNELVELI DISTRICT.
3. THE SUPERINTENDENT,  
CENTRAL JAIL, PALAYAMKOTTAI.
4. THE INSPECTOR OF POLICE,  
MOONDRADAIPPU POLICE STATION,  
THANJAVUR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO :

THE OFFICER-INCHARGE,  
MADURAI BENCH HIGH COURT ADVOCATES ASSOCIATION (MBHAA),  
MADURAI.

+1 CC to M/s.PRITHVIRAJ P.R., Advocate ( SR-332[I] dated  
06/01/2023 )

ORDER  
IN  
CRL OP(MD) No.23041 of 2022  
Date :06/01/2023

USK/SSS/SAR- /06.01.2023/3P/8C