



CRL OP(MD)No.22516 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13.12.2023

PRESENT

The Hon`ble Mr.Justice V.SIVAGNANAM

CRL OP(MD)No.22516 of 2023

Sukkiran

... Petitioner/ Accused 3

Vs

The Inspector of Police,
Sirrangam Police Station,
Trichy City.
(Crime No.2899 of 2023)

... Respondent/Complainant

For Petitioner : Mr.K.ARUNRAJ, Advocate

For Respondent : Mr.RMS.SETHURAMAN,
Additional Public Prosecutor.

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

PRAYER :- For Bail in Crime No.2899 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 29.11.2023 for the alleged offence punishable under Sections 379 IPC r/w Section 21(1) of the Mines and Minerals (Development & Regulation) Act, 1957 in Crime No.2899 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 29.11.2023, when the respondent police



CRL OP(MD)No.22516 of 2023

WEB COPY

conducted regular check up, they found the petitioner along with other accused were illegally transporting 2 and half units of sand in a lorry. Hence the case.

3.The learned counsel appearing for the petitioner would contend that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is in custody from 29.11.2023, hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that there is no previous case pending as against the petitioner.

5.Heard both sides and perused the materials available on record.

6.Considering the facts and circumstances and also taking into consideration the period of incarceration and taking into consideration of the principle stated by the Honourable Supreme Court in Sanjay Chandra and others vs. CBI reported in (2012) 1 SCC 40 and the fact that no previous case is pending as against the petitioner, this Court is inclined to grant bail to the petitioners, subject to the following conditions:

[i] Accordingly, the petitioner is ordered to be released on bail on condition to execute 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 District Munsif cum Judicial Magistrate, Srirangam and on further conditions that:

(ii) the sureties shall affix their photographs and left thumb impression in the



CRL OP(MD)No.22516 of 2023

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 petitioner shall appear before the trial Court on summons.

(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/-
13/12/2023

/ TRUE COPY /

13/12/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS
TO
1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
SRIRANGAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

<https://www.mhc.tn.gov.in/judis>



CRL OP(MD)No.22516 of 2023

3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

4 THE INSPECTOR OF POLICE,
SIRRANGAM POLICE STATION,
TRICHY CITY.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 cc to Mr.K.ARUNRAJ, Advocate, SR.No.17698 DT.13/12/2023

ORDER
IN

CRL OP(MD) No.22516 of 2023

Date :13/12/2023

SA/SAR. /13.12.2023/4P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.