

**In the Court of Vacation Sessions Judge, (Principal Sessions Court)
Ramanathapuram.**

**Present: Thiru.R. Shanmuga Sundaram, B.Com., L.L.B.,
Vacation Sessions Judge,
Principal District and Sessions Judge,
Ramanathapuram.**

திருவள்ளூர் ஆண்டு 2052 தமிழ் ஸ்ரீ பிலவ ஆண்டு சித்திரை மாதம் 23-ம் நாள் வியாழக்கிழமை

Thursday, the 6th day of May, 2021

Cr.M.P.No. 13/2021

Palraj, aged about 41 years, S/o. Muniyandi, No.2, Old Therpogi, Ramanathapuram.

...Petitioner/accused No.5

/vs/

State, through the Inspector of Police,
Devipattinam P.S.
in Cr.No. 143/2021

...Respondent/Complainant

For petitioner : Thiru.T.Muneeswaran, Advocate.
For respondent : Thiru.K.N. Karunakaran, Public Prosecutor,

PETITION FILED ON 04.05.2021 FOR BAIL U/S 439 Cr.P.C.
ORDER

Heard, the submissions made by the learned counsel for the petitioner as well as the learned Public Prosecutor.

The respondent police has filed a case against the petitioner alongwith others in Crime No. 143/2021 under sections 379 IPC and 21(1) of Mines and Minerals (Development and Regulation) Act.

The case of the prosecution is that on 21.04.2021, based on an information received by the respondent police, made a routine vehicle checkup at Panaikulam Vilage, the petitioner alongwith other illegally transited the river sand through Tractor bearing Registration No. TN 65 AM 4725 without any valid permission (or) licence.

The learned counsel for the petitioner would submit that the petitioner has falsely been implicated in this case and the petitioner is an innocent. The petitioner is working as a labour and a false case has been foisted against him. He is in no way connected with this case and he has no previous case. Further, he was arrested and remanded on 22.04.2021 and he is in judicial custody for the past 15 days. Further,

the property was recovered and most of the investigation is completed. Further, the petitioner moved bail before this Court vide Cr.M.P.No. 1051/2021 and the same was dismissed on 26.04.2021. Further he has submitted that the petitioner is willing to deposit voluntarily a sum of Rs. 20,000/- to the credit of the Ramanathapuram District Minerals Foundation Trust and he prays to grant bail to the petitioner.

The learned Public Prosecutor has submitted that there are totally 5 accused in this case and the petitioner is figured as A5. The petitioner is working as labour A1 to A4 are still absconding. On 21.04.2021, based on an information received by the respondent police, made a routine vehicle checkup at Panaikulam Village, the petitioner alongwith other illegally transited 1 / 2 unit river sand through Tractor bearing Registration No. TN 65 AM 4725 without any valid permission (or) licence. The petitioner was arrested and red-handed and others fled away from the scene of occurrence and the property was recovered and the investigation is in progress. Hence, he objected to grant bail to the petitioner.

Considering both side submissions, period of custody, progress of the investigation, this Court is inclined to grant bail to the petitioner with conditions..

Accordingly, the petitioner shall deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) to credit into the Account No. 37190168110 of the District Minerals Foundation Trust, Ramanathapuram, without prejudice to his rights and contentions before the trial Court, on such deposit, the petitioner is hereby granted bail on execution of own bond for Rs.20,000/- and on further condition that:

- 1) the petitioner shall appear before the learned Judicial Magistrate No.1 Ramanathapuram on 08.06.2021 at 10.00 a.m. and execute a fresh bond for a sum of Rs.20,000/- with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned.
- 2) After execution of sureties, the petitioner shall appear and sign before the respondent police daily at 10.00 a.m. until further orders.
- 3) the petitioner shall not tamper with evidence or witness during the trial.

- 4) the petitioner shall not abscond during the trial.
- 5) If the petitioner fails to comply the above said conditions, the bail order shall stand cancelled automatically.
- 6) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court as the case may be, is entitled to take appropriate action against the petitioner in accordance with Law as if the conditions imposed have been violated 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)

Pronounced by me in open Court this the 06th day of May 2021.

Sd/-R.Shanmugasundaram,
Vacation Sessions Judge
Ramanathapuram.

Copy to

The Judicial Magistrate No.1, Ramanathapuram

The Public Prosecutor, Ramanathapuram.

The Inspector of Police,Devipattinam P.S.

The Advocate concerned.

The Superintendent, District Prison, Ramanathapuram.

The Officer-in-charge, Ramanathapuram District Minerals Foundation Trust.