

IN THE COURT OF VACATION SESSIONS JUDGE (PRINCIPAL SESSIONS JUDGE)
RAMANATHAPURAM.

PRESENT: Thiru.R.Shanmugasundaram, B.Com., L.L.B.,
Vacation Sessions Judge,
Principal District and Sessions Judge,
Ramanathapuram.

திருவள்ளூர் ஆண்டு 2052 தமிழ் ஸ்ரீ பிலவ ஆண்டு வைகாசி மாதம் 06-ம் நாள் வியாழக்கிழமை

Thursday, the 20th day of May 2021

Cr.M.P.No. 61 of 2021

Senthilkumar, aged about 45 years, S/o. Veluchamy, Kannirajapuram, Kadaladi Taluk,
Ramanathapuram.

...Petitioner/Accused

/vs/

State, through the Inspector of Police,
Sayalkudi P.S.
in Cr.No. 202/2021

...Respondent/Complainant

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

**PETITION FILED ON 11.05.2021 FOR BAIL U/S 439 Cr.P.C.
ORDER**

The bail application is filed by the Petitioner/Accused in Cr.No. 202/2021 on the file of the respondent police. Notice for the said bail application is given to the Learned Public Prosecutor.

The bail application is taken for hearing in view of the country wide lock-down announced by the Union Government and the State Government in view of COVID-19 threat perception and hearing of the bail application is made through Jitsi Meet, sitting in open Court and connected through Jitsi Meet to connect to both sides counsels through the technology support of the System Officer.

Both sides arguments were heard through Jitsi Meet Call.

The respondent police has filed a case against the petitioner in Crime No. 202/2021 under section 379 of Indian Penal Code and Section 21 (1) of Mines and Minerals Development and Regulation Act.

The case of the prosecution is that on 08.05.2021, based on an information

received by the respondent police, when the respondent police went to the place of occurrence, the petitioner illegally transited one unit river sand through Tractor without any valid licence and permission.

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 the owner-cum-driver of the vehicle, a false case has been foisted against him. He has no previous case and he is in no way connected with this case. Further, he was arrested and remanded on 08.05.2021 and he is in judicial custody for the past 13 days. Further, the property was recovered and most of the investigation is completed. Further he has submitted that the petitioner is willing to deposit voluntarily a sum of Rs. 25,000/- 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 the petitioner is the sole accused in this case. The petitioner is the owner-cum-driver of the vehicle. Based on an information received by the respondent police and went to the place of occurrence. On 08.05.2021, the petitioner illegally transited one unit river sand through Tractor without any valid licence and permission. He was arrested and red-handed. The property was recovered and the investigation is under progress. Hence, he opposed for granting bail to the petitioner.

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

Accordingly, the petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five 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 shall be released on bail on execution of own bond for Rs.20,000/- and on further condition that:

- 1) the petitioner shall appear before the learned District Munsif-cum-Judicial Magistrate, Kadaladi on 24.06.2021 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) 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 20th day of May 2021.

Sd/- R. Shanmuga Sundaram,

Vacation Sessions Judge,
Principal District and Sessions Judge,
Ramanathapuram.

Copy to

The District Munsif-cum-Judicial Magistrate, Kadaladi

The Public Prosecutor, Ramanathapuram.

The Inspector of Police, Sayalkudi P.S.

The Advocate concerned

The Superintendent, District Prison, Ramanathapuram.