



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

Wednesday, the Fifth day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.21467 of 2018

1 BALASUBRAMANIAN
2 ILAYARAJA

... PETITIONERS / ACCUSED NOS.1 & 2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
BUDALUR POLICE STATION,
THANJAVUR DISTRICT.
(CRIME NO.209/2018)

... RESPONDENT / COMPLAINANT

For Petitioners: Mr.J.LAWRANCE Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

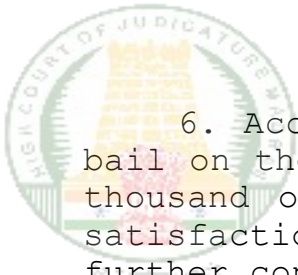
The petitioners, who were arrested and remanded to judicial custody since 12.11.2018 for the offences punishable under Section 294 (b), 353 and 379 I.P.C., r/w 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.209 of 2018, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners took sand in the south bank of Kallanai Channel near Indhalur Bridge by using spade and aluminium vessel.

3. The learned counsel for the petitioners would submit that the petitioners did not commit any offence as alleged by the respondent and in order to incriminate the petitioners, the above First Information Report was registered.

4.The learned Government Advocate (Crl.side) would submit that investigation is pending.

5. Considering the facts and circumstances of the case and also considering the period of incarceration of the petitioners, this Court is inclined to grant bail to the petitioners.



6. Accordingly, the petitioners are ordered to be released on bail on their 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, Thiruvaiyaru and on further condition that:

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[a] the petitioners shall report before the respondent police as and when required for the purpose of interrogation.

[b] the petitioners shall not abscond either during investigation or trial.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] 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]**

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

05/12/2018

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

TO

1. THE JUDICIAL MAGISTRATE, THIRUVAIYARU.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
 3. THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.
 4. THE INSPECTOR OF POLICE,
BUDALUR POLICE STATION, THANJAVUR DISTRICT.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.J.LAWRANCE Advocate SR.No.22721

ORDER

IN

CRL OP(MD) No.21467 of 2018

Date :05/12/2018

MS/PN/SAR-1/05.12.2018/2P.7C