



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

Monday, the Nineteenth day of November Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20513 of 2018

1 VELUSAMY
2 SIVANANTHAM

... PETITIONERS/ ACCUSED NO.1 & 2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
THIRUKATTUPALLI POLICE STATION,
THANJAVUR DISTRICT.
IN CRIME NO.281 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioners: Mr.S.SATHYACHIDAMBARAM, 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 :-

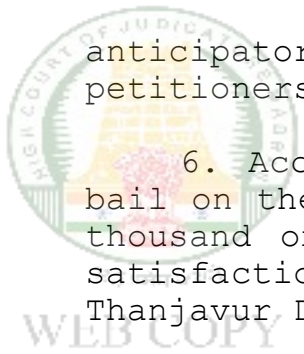
The petitioners were arrested and remanded to judicial custody since 31.10.2018 for the offences punishable under Sections 379 of IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act, in Crime No.281 of 2018, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 31.10.2018, during the routine vehicle checkup, the accused persons attempted to steal the river sand, therefore the case has been registered against the petitioners.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case.

4. The learned Government Advocate (Crl. side) would submit that the A3 in this case has been granted anticipatory bail in Crl.O.P.(MD).20054 of 2018, dated 02.11.2018.

5. Considering the facts and circumstances of the case and also considering the period of incarceration of the petitioners and also the fact that the Coaccused in this case has been granted



anticipatory bail, 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, Thanjavur District and on further condition that:

[a] the petitioners shall report before the respondent police daily at 10.30.a.m. for a period of two weeks and thereafter as and when required for 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].

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

sd/-

19/11/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, THIRUVAIYARU,
THANJAVUR DISTRICT.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
 3. THE INSPECTOR OF POLICE
THIRUKATTUPALLI POLICE STATION, THANJAVUR DISTRICT.
 4. THE SUPERINTENDENT, CENTRAL PRISON, TRICHY,
TRICHY DISTRICT.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.S.SATHYACHIDAMBARAM Advocate SR.No.21734

ORDER IN
CRL OP(MD) No.20513 of 2018
Date :19/11/2018