



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

Wednesday, the Fifteenth day of May Two Thousand Nineteen

PRESENT

**The Hon`ble Mr Justice B.PUGALENDHI**

**CRL OP (MD) No.6782 of 2019**

1. RAJARAM,  
2 MARTIN,

... PETITIONERS / ACCUSED

Vs

STATE BY  
THE INSPECTOR OF POLICE,  
THOGUR POLICE STATION,  
THANJAVUR DISTRICT.  
(CRIME NO.20/2019)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.R.MATHIYALAGAN Advocate

For Respondent : M/S.S.BHARATHI,  
Govt. Advocate ( Crl. Side)

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

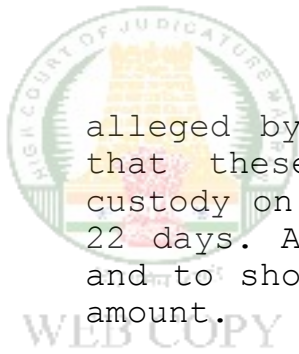
ORDER : The Court Made the following order :-

The petitioners / Accused, who were arrested and remanded to judicial custody on 24.04.2019 for the offence punishable under Section 379 of IPC r/w Section 21(1) of Mines and Minerals (Development and Regulation Act), 1957 in Crime No.20 of 2019, on the file of the respondent police, seek bail.

2. Heard Mr.Mathiyalagan, learned Counsel for the petitioners and Mr.A.Robinson, learned Government Advocate (Crl Side) appearing for the State.

3. The case of the prosecution is that on 24.04.2019, the petitioners/accused were found transporting ½ unit of sand in two bullock carts without proper license totalling one unit of sand. The respondent police arrested the petitioners/accused on the same day (i.e.,) on 24.04.2019 and remanded them to judicial custody.

4. The learned counsel for the petitioners submitted that the petitioners are innocent and have not committed any offences as



alleged by the prosecution. The learned counsel further submitted that these petitioners were arrested and remanded to judicial custody on 24.04.2019. They are languishing in the jail for the past 22 days. According to him, there is no bad antecedent against them and to show their bonafide, they are also prepared to deposit some amount.

5.The learned Government Advocate (Crl. Side) opposes for the grant of bail as the petitioners/Accused are involved in illegal sand mining and they were in possession of one unit of sand.

6.Taking into consideration of the fact that the petitioners are in jail for a period of 22 days and there is no bad antecedent against the petitioners, this Court is inclined to grant bail to the petitioners subject to the following conditions.

7. The petitioners are directed to deposit a sum of Rs.7,500/- each (Rupees Seven Thousand Five Hundred only) to the account of Patient Welfare Society, District Headquarters Hospital, Thanjavur District and preferably it can be utilized for the purpose of installation of UPS(inverter) in the Hospital wards depending upon the requirement within the district, on such deposit, the petitioners are ordered to be released on bail on each of them executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, for a like sum to the satisfaction of the learned Judicial Magistrate, Thiruvaiyaru and on further conditions that:-

[a] the petitioners as well as the sureties shall submit a copy of their Aadhar card or any other identity cards issued by the Government, in proof of their address, along with the surety bonds;

[b] the petitioners shall report before the respondent police daily at 10:30 a.m. until further orders;

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

[d] the petitioners shall co-operate for the investigation and the trial. The petitioners shall not abscond either during investigation or trial and in event of the petitioners abscond, the respondent police shall register a case as provided under Section 229-A IPC; and

[e] in the event of breach of any of the aforesaid conditions, the learned Magistrate / trial Court is entitled to take appropriate action against the petitioners, as per the principles laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005) AIR SCW 5560]**.

<https://hcservices.ecourts.gov.in/hcservices/>

8.Merely, because the petitioners have deposited the said



amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

sd/-  
15/05/2019

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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 THRO' THE CHIEF JUDICIAL MAGISTRATE,  
THANJAVUR DISTRICT AT KUMBAKONAM.
  3. THE INSPECTOR OF POLICE,  
THOGUR POLICE STATION,  
THANJAVUR DISTRICT.
  4. THE OFFICER INCHARGE  
PATIENT WELFARE SOCIETY,  
DISTRICT HEADQUARTERS HOSPITAL,  
THANJAVUR DISTRICT.
  5. THE OFFICER INCHARGE  
SUB JAIL, PAPANASAM,  
THANJAVUR DISTRICT.
  - 6 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.J.MUNEER KHAN, Advocate ( SR-8384[I] dated 15/05/2019 )

ORDER  
IN  
CRL OP(MD) No.6782 of 2019  
Date :15/05/2019

sts  
AE/JC/SAR-II (17.05.2019) 3P 8C