



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

Wednesday, the Ninth day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.374 and 367 of 2019

G.VENKATESH

... PETITIONER / ACCUSED No.3
IN CRL OP(MD)No.374 of 2019

1.SARATHKUMAR
2.KABILAN

... PETITIONERS / ACCUSED No.1 and 2
IN CRL OP(MD)No.367 of 2019

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
AMMAPETTAI POLICE STATION,
THANJAVUR DISTRICT.
Crime No.348/2018

... RESPONDENT / COMPLAINANT
IN BOTH PETITIONS

For Petitioner : Mr.P.VADIVEL Advocate
IN CRL OP(MD)No.374 of 2019

For Petitioners: Mr.K.M.KARUNAKARAN Advocate
IN CRL OP(MD)No.367 of 2019

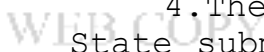
For Respondent : Mr.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side) IN BOTH PETITIONS

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

ORDER : The Court Made the following order :-

The petitioners are in judicial custody since 30.12.2018 for the offences punishable under Section 379 IPC and Section 21(4) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.348 of 2018 on the file of the respondent police and seek bail.

2.The case of the prosecution is that when the defacto complainant was on duty in usual vehicle check up, the petitioners illegally transported 2 ½ units of river sand in total, without having any proper licence or permission and the petitioners have been secured by the respondent police.



4. The State subr

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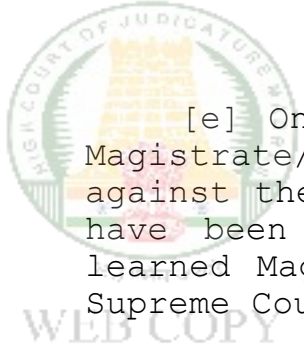
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[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by 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 abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
09/01/2019

/ TRUE COPY /

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

TO

- 1.THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, PAPANASAM.
- 2.THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3.THE INSPECTOR OF POLICE,
AMMAPETTAI POLICE STATION, THANJAVUR DISTRICT.
- 4.THE SUPERINTENDENT,
CENTRAL PRISON, TIRUCHIRAPPALLI.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE CHAIRMAN/DISTRICT COLLECTOR,
DISTRICT MINERAL FOUNDATION TRUST, THANJAVUR DISTRICT.

- +1. CC to Mr.P.VADIVEL Advocate SR.No.487
- +1. CC to Mr.K.M.KARUNAKARN Advocate SR.No.475

ORDER
IN
CRL OP(MD) No.374 and
367 of 2019
Date :09/01/2019

TK/VR/SAR-2/09.01.2019/3P/9C