



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.6690 of 2019

1 GOPI

2 VIJAYAN

... PETITIONERS/ACCUSED No.1 & 2

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
THIRUVAIYARU POLICE STATION,
THANJAVUR DISTRICT
(CRIME NO.96/2019)

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.K.M.KARUNAKARAN, Advocate

For Respondent : MR.A.ROBINSON, Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioners / A1 & A2, who were arrested and remanded to judicial custody on 27.04.2019 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.96 of 2019, on the file of the respondent police, seek bail.

2.Heard Mr.K.M.Karunakaran, 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 27.04.2019, the Sub Inspector of Police was on patrol duty. He intercepted the bullock carts and found the petitioners/ Accused 1 and 2 each in possession of ½ unit of sand, totalling one unit of sand.

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 27.04.2019. They are languishing in the jail for the past 18 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 1 & 2 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 18 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 executing a bond for a sum of Rs.10,000/- each (Rupees Ten Thousand only) with two sureties, for a like sum to the satisfaction of the learned Judicial Magistrate, Thiruvaiyaru, Thanjavur 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]**.

8. Merely, because the petitioners had 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

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE, THIRUVAIYARU, THANJAVUR

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM

3. THE INSPECTOR OF POLICE,
THIRUVAIYARU POLICE STATION, THANJAVUR DISTRICT

4. THE SUPERINTENDENT, CENTRAL PRISON, TRICHY

5. THE OFFICER INCHARGE,
THE PATIENT WELFARE SOCIETY,
DISTRICT HEADQUARTERS HOSPITAL,
THANJAVUR DISTRICT.

6. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.K.M.KARUNAKARAN, Advocate SR.No.8307

ORDER

IN

CRL OP(MD) No.6690 of 2019

Date :15/05/2019

STS

PK/MMS/SAR-2/17.05.2019 : 3P/8C