



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

Thursday, the Sixth day of June Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) No.7702 of 2019

1 SARABOJI RAJAN
2 SELVARAJ
3 AROKIYA DOSS

... PETITIONERS / ACCUSED NO.1 TO 3

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
MARUR POLICE STATION,
THANJAVUR DISTRICT,
CRIME NO.42/2019

... RESPONDENT / COMPLAINANT

For Petitioner : MR.K.SIVABALAN Advocate

For Respondent : MR.V.NEELAKANDAN, Additional Public Prosecutor

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

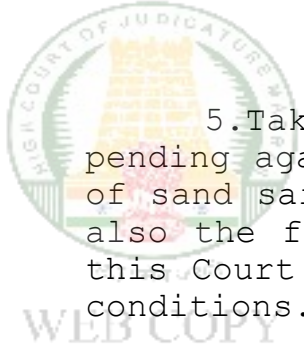
ORDER : The Court Made the following order :-

This petition has been filed by the petitioners/Accused No.1 to 3 seeking bail for the alleged offence punishable under Section 379 of IPC r/w Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.42 of 2019.

2.Heard both sides.

3.The learned counsel for the petitioners has submitted that the petitioners are innocent persons and they have been falsely implicated the above case. He further submitted that the petitioners have been arrested by the respondent police on 19.05.2019 and from that day onwards, they are in custody and hence, he prayed to grant bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent police has submitted that totally four accused involved in this case. He further submitted that each petitioner and other accused person have illegally transported the quarter unit of sand and there is no case pending against the petitioners and hence, he strongly opposed this petition.



5. Taking into consideration the fact that no previous case is pending against the petitioners and also the fact that the quantity of sand said to have been illegally transported is quarter unit and also the fact that the petitioners are in custody from 19.05.2019, this Court is inclined to grant bail to the petitioners by imposing conditions.

[a] 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 Judicial Magistrate Court, Thiruvaiyaru, Thanjavur District;

[b] Each of the petitioners shall deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of Crime No.42 of 2019 before the Judicial Magistrate Court, Thiruvaiyaru, Thanjavur District, without prejudice his defence before the trial Court;

[c] 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;

[d] the petitioners shall report before the respondent police daily at 10.00 a.m., for a period of three weeks and thereafter as and when required for the interrogation;

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

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

[g] 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].

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

sd/-
06/06/2019

/ 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,
THANJORE AT KUMBAKONAM.

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

4 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

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

+1 CC to M/s.K.SIVABALAN, Advocate (SR-9157[I] dated 06/06/2019)

ORDER

IN

CRL OP (MD) No.7702 of 2019

Date :06/06/2019

JM/VR/SAR 1/06.06.2019/3P/7C