



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 14/06/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.8273 of 2019

1. Balamurugan
2. Srinivasan

... Petitioners/3rd & 4th Accused

Vs

State Rep.by
The Inspector of Police,
Ammapettai Police Station,
Thanjavur District.
Crime No.195/2019

... Respondent/Complainant

For Petitioners: M/s.K.M.Karunakaran,
Advocate.

For Respondent : Mr.V. Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No. 195 of 2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

This petition has been filed by the petitioners/ Accused 3 and 4 seeking bail for the alleged offence punishable under Section 379 of IPC r/w. 21(4) Mines and Minerals (Development and Regulation) Act, 1957

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 in the above case. He further submitted that the petitioners were arrested by the respondent police on 29.05.2019 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 the petitioners have illegally transported half unit of river sand and hence, he strongly opposed



this petition. However he fairly conceded that no previous case is pending against the petitioners.

5. Taking into consideration of 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 half unit and also the fact that the petitioners are in custody from 29.05.2019, this Court is inclined to grant bail to the petitioner by imposing conditions.

[a] the petitioners are ordered to be released on bail on his 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, Papanasam, Thanjavur;

[b] 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;

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

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

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

14/06/2019

/ TRUE COPY /

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

TO

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

+1. CC to M/S.K.M.KARUNAKARAN Advocate SR.No.9662

ORDER IN

CRL OP(MD) No.8273 of 2019

Date :14/06/2019