



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.10690 of 2019

1. Saravanakumar

2. Balakrishanan

... Petitioners/Accused Nos.1 & 3

Vs

State Rep.by

The Inspector of Police,

Kumbakonam Taluk Police Station,

Thanjavur District.

Crime No.178 of 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 of Cr.P.C.

PRAYER :-

For Bail in Crime No.178 of 2019 on the file of the Respondent Police.

ORDER : The Court Made the following order :-

The petition has been filed by Accused Nos.1 & 3 seeking bail for the alleged offence punishable under Section 379 of IPC r/w 21 (1) of Mines and Minerals Act, 1957, in Crime No.178 of 2019.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that as per the FIR, the petitioners only attempted to take river sand. He further submitted that the petitioners are not having any bad antecedents and they are in judicial custody from 12.07.2019, and hence, he prayed for grant of bail to the petitioners.

4.Per contra, the learned Additional Public Prosecutor appearing for the respondent has submitted that the petitioners have



attempted to take river sand without any valid permission. Hence, he opposed this petition. However, he fairly conceded that no similar type of case is pending against the petitioners.

5. Taking into consideration of the fact that the petitioners have only attempted to take river sand and also the fact that no previous case is pending against the petitioners and also the fact that they are in judicial custody from 12.07.2019, this Court is inclined to grant bail to the petitioners with certain conditions.

[a] the petitioner is 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 learned Judicial Magistrate, No.2, Kumbakonam, Thanjavur District.

[[b] the petitioner shall report before the respondent police daily at 10.00.a.m for a period of one month and thereafter, as and when required for the interrogation.

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

[d] the petitioner 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/-

29/07/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.2, KUMBAKONAM.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
 3. THE OFFICER INCHARGE, SUB JAIL, PAPANASAM.
 4. THE INSPECTOR OF POLICE,
KUMBAKONAM TALUK 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.12403

ORDER IN

CRL OP(MD) No.10690 of 2019

Date : 29/07/2019