



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/08/2019

WEB COPY

PRESENT

The Hon'ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.11375 of 2019

1.Udayakumar
2.Mohan

... Petitioners/Accused
No.1 and 2

Vs

The State rep by
The Inspector of Police,
Thanjavur South Police Station,
Thanjavur District.
Crime No. 130 of 2019.

... Respondent/Complainant

For Petitioner : 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. 130 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 No.1 &
2 seeking bail for the alleged offence punishable under Section 379
of IPC r/w Section 21(1) of Mines and Minerals Act, 1957, in Crime
No.130 of 2019.

2.Heard both sides.

3.The learned counsel appearing 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 30.07.2019
and from that date onwards, they are in custody and hence, he prayed
to grant bail to the petitioner.



4.The learned Additional Public Prosecutor appearing for the respondent police has submitted that the petitioners have illegally transported one unit of river sand by using vehicle and hence, he strongly opposed this petition. However, he fairly conceded that no previous case is pending against the petitioners.

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 one unit and also the fact that the petitioners are in custody from 30.07.2019, this Court is inclined to grant bail to the petitioner by imposing conditions.

[a] the petitioners are ordered to be released on bail on 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.1, Thanjavur District.

[b] the petitioners shall report before the Respondent Police, daily at 10.30 A.M for a period of One Month 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/-
13/08/2019

/ TRUE COPY /

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

TO

1.THE JUDICIAL MAGISTRATE NO I,
THANJAVUR DISTRICT.

<https://hcservices.ecourts.gov.in/hcservices/>



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

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

4.THE OFFICER INCHARGE,
SUB JAIL, PAPANASAM.

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

+1. CC to Mr.K.M.KARUNAKARAN Advocate SR.No.13416

ORDER

IN

CRL OP(MD) No.11375 of 2019

Date :13/08/2019

vsg

TK/PN/SAR.4/13.08.2019/3P/7C