



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

Friday, the Sixth day of September Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) No.12511 of 2019

1 KUMAR
2 SELVAM

... PETITIONERS / ACCUSED NO.1 & 2

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
AMMAPETTAI POLICE STATION,
THANJAVUR DISTRICT.
(CRIME NO.292 OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S. A. BANUMATHY Advocate

For Respondent : MR.A.P.G.OHM CHAIRMA PRABHU,
Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

Heard the learned counsel appearing for the petitioners and learned Government Advocate(Crl. Side) appearing for the respondent.

2.The petitioners herein were arrested and remanded to judicial custody on 15.08.2019 for the offence under Section 379 of IPC r/w 21(4) of Mines and Minerals (Development and Regulation Act), 1957, for transporting sand in bullock carts.

3.Half unit sand was transported in each bullock cart. The petitioners are not having any previous case.

4.Taking note of these aspects, I am inclined to grant bail to the petitioners. Accordingly, they are enlarged on bail subject to the following conditions:-

(i) the petitioners shall execute 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 District.



(ii) the petitioners shall appear before the respondent police as and when required for interrogation.

(iii) the petitioners shall not tamper with evidence or witness either during investigation or trial.

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(iv) the petitioners shall not abscond either during investigation or trial.

[v] 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].

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

sd/-

06/09/2019

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

TO

1 THE JUDICIAL MAGISTRATE,
PAPANASAM, THANJAVUR DT.

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

3 THE INSPECTOR OF POLICE,
AMMAPETTAI 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 M/s.A.BANUMATHY, Advocate (SR-15033[I] dated 06/09/2019)

ORDER

IN

CRL OP(MD) No.12511 of 2019

Date :06/09/2019