

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

Date : 12/09/2019

PRESENT

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

CRL OP(MD). No.12632 of 2019

1. Saravanan

2. Gunasekaran

... Petitioners/Accused Nos. 1 & 2

Vs

The State rep.by
The Inspector of Police,
Vallam Police Station,
Thanjavur District
(Crime No.221 of 2019). ... Respondent/Complainant

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

For Respondent : Mr.A.P.G.Ohm Chairma Prabhu,
Government Advocate (Crl.Side)

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

PRAYER :-

for Bail in Crime No.221 of 2019 on the file of the Respondent Police.

ORDER : The Court made the following order :-

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

2.The petitioners are in custody since 28.08.2019 for the offence punishable under section 379 of IPC r/w Section 21(1) of Mines and Minerals Act, 1957, in Crime No.221 of 2019 on the file of the respondent police. They seek bail.

3.It is seen that the quantity involved is half unit of river sand.

4. Taking note of the facts and circumstances of this case, I am inclined to enlarge the petitioners on bail with certain conditions. Accordingly, the petitioners are ordered to be released to the following conditions;

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

(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 No.2, Thanjavur District.

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

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

(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 petitioner 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/-

12/09/2019

/TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.II, THANJAVUR DISTRICT.

2 -DO-THRO-THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE OFFICER INCHARGE, SUB JAIL, PAPANASAM.

4 THE INSPECTOR OF POLICE
VALLAM 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-15272[I] dated 12/09/2019)

ORDER IN

CRL OP(MD) No.12632 of 2019

Date :12/09/2019

RMI

<https://hcservices.ecourts.gov.in/hcservices> 2019/2P/7C