



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/03/2020

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PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.4200 of 2020

1. Meiyathan S/o Palani
2. Meiyathan S/o Chinnaiya
3. Subramaniyan
4. Selvaraj
5. Meiyappan
6. Veerapathiran

... Petitioners/Accused

Vs

State Rep.by
The Inspector of Police,
Aranthangi Police Station,
Aranthangi
Pudukkottai District.
Crime No.142 of 2020

... Respondent/Complainant

For Petitioners : M/s.K.C.Maniyarasu,
Advocate.

For Respondent : Mr.S.Chandrasekar,
Additional Public Prosecutor

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

PRAYER :-

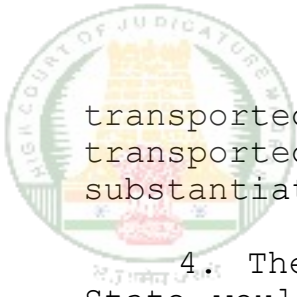
For Bail in Crime No.142 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

This petition has been filed by the petitioners/ accused seeking bail for the alleged offence punishable under Sections 379 of IPC and Section 21(1) and 21(2) Mines and Minerals (Development and Regulation) Act, 1957

2. The case of the prosecution is that the petitioners were illicitly transporting ½ unit of river sand in their vehicle without valid permit.

3. The counsel for the petitioners would submit that the petitioners were engaged by Public Works Department and sand was



transported for the Public Works Department and it was legally transported. However he has not submitted any materials to substantiate his plea.

4. The learned Additional Public Prosecutor appearing for the State would submit that the petitioner was caught red handed while transporting river sand illegally.

5. Due to improper supervision by the official, sand mining has become rampant and the Honourable Division Bench of this Court has already come down heavily against revenue department for not controlling the illegal sand mining.

6. Under such circumstances this Court is of the view that if the petitioners are allowed to enjoy the bail they will again indulge in this offence. However taking note of quantum and the facts and circumstances of the case, this Court is inclined to grant bail to the petitioners by imposing conditions.

6. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.50,000/- (Rupees Fifty thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Aranthangi;

[a] the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

[b]each of the petitioners shall deposit a sum of Rs.20,000/- (Rupees Twenty thousand only) to the credit of Crime No.412 of 2020 before the learned Judicial Magistrate, Aranthangi, without prejudice his defence before the trial Court;

[c] the petitioners shall stay at Trichy and report before the Inspector of Police, Rock Fort Police Station daily at 10.30 a.m until further orders.

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

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

[f] 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].



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

sd/-
06/03/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE, ARANTHANGAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
3. THE OFFICER INCHARGE, DISTRICT JAIL,
PUDUKKOTTAI DISTRICT.
4. THE INSPECTOR OF POLICE, ARANTHANGI POLICE STATION,
ARANTHANGI PUDUKKOTTAI DISTRICT.
5. THE INSPECOTOR OF POLICE,
ROCK FORT POLICE STATION, TRICHY.
6. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.C.MANIYARASU, Advocate (SR-4894[I] dated
06/03/2020)

ORDER
IN
CRL OP(MD) No.4200 of 2020
Date :06/03/2020

MS/PN/SAR-2/06.03.2020/3P.8C