



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

Date : 23/03/2020

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD). No.5006 of 2020

1.Rajamanickam
2.Sivakumar

... Petitioners/Accused
No.3 and 4

Vs

The State rep.by
The Inspector of Police,
Manamelkudi Police Station,
Pudukkottai District.
Crime No.40 of 2020.

... Respondent/Complainant

For Petitioners : M/s.S.Muthalraj,
Advocate.

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

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

PRAYER :-

To enlarge the Petitioners/Accused No.3 and 4 on bail in
Cr.No.40 of 2020, pending on he file of the Respondent Police.

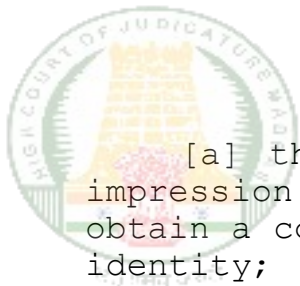
ORDER : The Court made the following order :-

The petitioners are arrayed as accused A-3 and A-4. They were arrested and remanded to Judicial Custody on 28.02.2020, for the offences punishable under Sections 379 of I.P.C. and r/w 21(1), 21 (2) of Mines and Minerals (Development and Regulation) Act, in Crime No.40 of 2020, on the file of the respondent police. They seek bail.

2.The case of the prosecution is that each of the petitioners were illegally transporting ¼ unit of river sand in the bullock cart. Hence, they were arrested on 28.02.2020.

3.Taking note of the quantum of river sand and the mode of transport, this Court is inclined to enlarge the petitioners on bail with certain conditions. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial

<https://hcservices.courts.gov.in/hcservices/> Magistrate, Aranthangi, Pudukottai District;



[a] 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] the petitioners shall deposit a sum of Rs.20,000/- (Rupees Twenty thousand only) each to the credit of the concerned District Mineral Foundation Trust, without prejudice to their rights and contentions before the trial Court ;

[c] the petitioners shall report before the respondent police as and when required for interrogation.

[d] the petitioner 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/-
23/03/2020

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

TO

1. THE JUDICIAL MAGISTRATE,
ARANTHANGI, PUDUKOTTAI DISTRICT

2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.

3. THE OFFICER INCHARGE,
SUB JAIL AT ARANTHANGI,
PUDUKOTTAI DISTRICT.



4.THE INSPECTOR OF POLICE,
MANAMELKUDI POLICE STATION,
PUDUKKOTTAI DISTRICT.

5.THE DISTRICT MINERAL FOUNDATION TRUST,
PUDUKKOTTAI DISTRICT.

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

+1 CC to M/s.NA.PALANIYANDI, Advocate (SR-5667[I] dated
23/03/2020)

ORDER
IN
CRL OP(MD) No.5006 of 2020
Date :23/03/2020

TK/PN/SAR.3/23.03.2020/3P/8C