



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

Monday, the Twentieth day of April Two Thousand Twenty

PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN

CRL OP (MD) No.5203 of 2020

1 DINESH KUMAR
2 SIVAKUMAR

... PETITIONER/ACCUSED No.1 & 2

Vs

State rep.by
THE INSPECTOR OF POLICE
TALUK POLICE STATION,
THANJAVUR DISTRICT.
(CRIME NO.50 OF 2020)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.C.SURESH KANNAN Advocate

For Respondent : Mr.S.CHANDRASEKAR
Additional Public Pleader

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

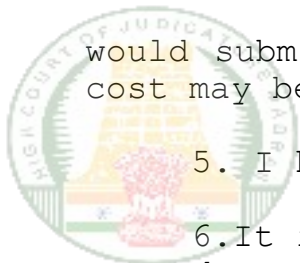
ORDER : The Court Made the following order :-

The petitioners are arrayed as first and second accused, who were arrested and remanded to judicial custody on 03.03.2020 for the alleged offences punishable under Section 379 IPC r/w 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.50 of 2020, on the file of the respondent police and hence, seeks bail.

2.The case of the prosecution is that the petitioners have committed theft of 1 unit of sand in Boliro Max Truck.

3.The learned counsel for the petitioners submitted that the first petitioner is the driver of the vehicle and the second petitioner is the owner of the vehicle. They have been in judicial custody from 03.03.2020. If the petitioners release on bail, no prejudice would be caused. Therefore, bail may be granted to the petitioners.

4. The learned Additional Public Prosecutor submitted that earlier bail application filed by the petitioners was dismissed on 16.03.2020. The petitioners have been illegally transporting 1 unit of sand and the vehicle was seized with sand and if they release on bail, they would repeat the same crime. The learned Additional Public Prosecutor opposed for granting bail to the petitioners. He



would submit that in case this Court inclines to grant bail, heavy cost may be imposed on the petitioners.

5. I have heard both sides and perused the records.

6. It is seen that the petitioners were arrayed as the first and second accused and they were arrested on 03.03.2020 itself. The first petitioner is the driver of the vehicle and the second petitioner is the owner of the vehicle. They are bread winners of their family. The vehicle was seized by the respondent police with the sand. The petitioners have been in custody for the past 1 ½ months.

7. Considering the above facts and circumstances of the case, this Court is inclined to enlarge the petitioners on bail with certain conditions. Accordingly, the petitioners are ordered to be released on bail, subject to the following conditions:

- (i) The respondent police shall take steps to take Corona Virus Test through Rapid Test Kits and after obtaining the Certificate certifying that the petitioners are not affected by Corona Virus, they shall be released. If they are affected by Corona Virus, they shall be kept under quarantine as per the directions of the Health Department.
- (ii) the first petitioner, being the driver of the vehicle, shall execute a personal bond for a sum of Rs.1,00,000/- (Rupees one lakh only) to the satisfaction of the learned Judicial Magistrate No.II, Thanjavur and the second petitioner, being the owner of the vehicle, shall execute a personal bond for a sum of Rs.10, 000/- (Rupees ten thousand only) to the satisfaction of the learned Judicial Magistrate No.II, Thanjavur.
- (iii) the petitioners shall report before the respondent police as and when required.
- (iv) the petitioners shall not tamper with evidence or witness either during investigation or trial.
- (v) the petitioners shall not abscond either during investigation or trial.
- (vi) 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]**.



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8. The Inspector of Police concerned is directed to send a compliance report to the office of the learned Additional Public Prosecutor, as to whether the petitioners are complying with the conditions or not.

sd/-
20/04/2020

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE-II
THANJAVUR
- 2 -DO- THRO' THE CHIEF JUDICIAL MAGISTRATE
THANJAVUR AT KUMBAKONAM
- 3 THE INSPECTOR OF POLICE
TALUK POLICE STATION, THANJAVUR DISTRICT.
- 4 THE OFFICER-IN-CHARGE, SUB JAIL, THANJAVUR
- 5 THE ADDL. PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT MADURAI

ORDER
IN
CRL OP(MD) No.5203 of 2020
Date :20/04/2020

SDS/SKN/SAR-2(20/04/2020) 3P 6C