



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

Friday, the Twenty Fourth day of April Two Thousand Twenty

PRESENT

WEB COPY

The Hon'ble Mr. Justice P. VELMURUGAN

CRL OP(MD) No.5269 of 2020

1 BALAMURUGAN
2 SARAVANAN

... PETITIONERS/ACCUSED 1&2

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
ADIRAMAPATTINAM POLICE STATION,
THANJAVUR DISTRICT.
CR.No.71 OF 2020

... RESPONDENT/COMPLAINANT

For Petitioners : Mr.S.Ravi, Advocate

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

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

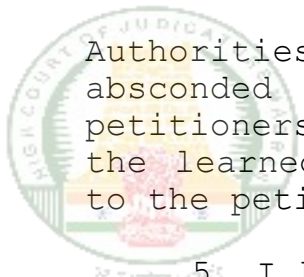
ORDER : The Court Made the following order :-

The petitioners are arrayed as accused Nos.1 and 2, who were arrested and remanded to judicial custody on 09.03.2020 for the alleged offences punishable under Section 379 of I.P.C., r/w. 21(1) of Mines and Minerals Act, 1957 in Crime No.71 of 2020, on the file of the respondent police and hence, seek bail.

2. The case of the prosecution is that the petitioners along with two others have committed theft of $\frac{1}{2}$ unit of river sand in Bolero vehicle bearing Registration No.TN49 BF 4131.

3. The learned counsel for the petitioners submitted that the petitioners are in custody for more than 47 days and they have not committed any offence as alleged by the prosecution and therefore, bail may be granted to the petitioners.

4. The learned Additional Public Prosecutor submitted that the vehicle has been seized by the Revenue Authorities and now the vehicle along with the river sand is in custody of the Revenue



Authorities. He further submitted that the other accused have been absconded and they have not yet secured till now and if the petitioners release on bail, they would hamper the witnesses. Hence, the learned Additional Public Prosecutor opposed for granting bail to the petitioners.

5. I have heard the learned counsel on either side and perused the records.

6. The allegation against the petitioners is that they have committed theft of $\frac{1}{2}$ unit river sand in Bolero vehicle bearing Registration No.TN49 BF 4131. Admittedly, the vehicle has been seized by the Revenue Authorities and now the same is in the custody of Revenue Authorities. The petitioners are in custody from 09.03.2020.

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 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 petitioners shall execute a personal bond for a sum of Rs.50,000/- (Rupees fifty thousand only) to the satisfaction of the learned Judicial Magistrate, Pattukottai.
- (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]**.



WEB COPY

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 condition or not.

sd/-
24/04/2020

/ TRUE COPY /

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

Note: This order copy may be
treated as true copy

To

1. The Judicial Magistrate, Pattukottai.
2. -do-through The Chief Judicial Magistrate,
Thanjavur District at Kumbakonam.
3. The Inspector of Police,
Adiramapattinam Police Station,
Thanjavur District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
5. The Officer in-charge,
Sub Jail, Pattukottai.

ORDER
IN
CRL OP(MD) No.5269 of 2020
Date :24/04/2020

AKV
TE/SKN/SAR/II : 24/04/2020 : 3P/6C