



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

Date : 07/05/2020

PRESENT

The Hon'ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD). No.5294 of 2020

1. Ramesh
2. Rathinavel ... Petitioners/Accused Nos.1 and 2

Vs

The State rep. by
The Inspector of Police,
Thogur Police Station,
Thanjavur District.
(Crime No. 25 of 2020). ... Respondent/Complainant

For Petitioners : Mr.K.M.Karunakaran, Advocate.
For Respondent : Mr.S.Chandra Sekar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.25 of 2020 on the file of the respondent Police.

ORDER : The Court made the following order :-

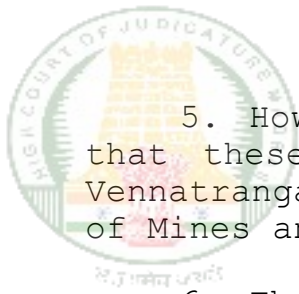
This petition has been filed by the petitioners / accused Nos.1 and 2 seeking bail for the alleged offence punishable under Sections 379 of IPC r/w. 21(1) Mines and Minerals (Development and Regulation) Act, 1957.

2. The case of the prosecution is that the petitioners have illegally transported gravel sand near the Vennatrangarai river and they were arrested on 23.03.2020. The vehicle along with gravel was seized by the respondent police.

3. The petitioners were in incarceration from 23.03.2020. Being the first time offenders they seek bail since they are in jail for the past 42 days.

4. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have not involved in this offence.

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



5. However, the materials placed by the prosecution indicates that these petitioners illegally excavated the gravel sand from Vennatrangarai river and the complainant is the Assistant Director of Mines and Minerals Department.

6. The learned Additional Public Prosecutor appearing for the State would submit that the petitioners were caught red handed while transporting river sand illegally. The vehicle was also seized along with the sand.

7. Taking note of the fact and the submission made by the learned Additional Public Prosecutor and taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioners by imposing conditions.

8. Each of the petitioners are directed to deposit a sum of Rs.50,000/- (Rupees Fifty thousand only) as non refundable deposit to the credit of the concerned District Mineral Foundation Trust.

9. On such deposit, the petitioners are ordered to be released on bail on their executing own bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) subject to the satisfaction of the Superintendent, Central Prison, Trichy and on further condition that

i) the petitioners herein shall execute a bond for a sum of Rs.25,000/- with two sureties on or before 05.06.2020 to the satisfaction of the learned Judicial Magistrate, Thiruvaiyaru, Thanjavur District

ii) the petitioners shall not tamper with evidence or witness.

iii) the petitioners shall not abscond during trial.

iv) 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].

v) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
07/05/2020

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



TO

1. THE JUDICIAL MAGISTRATE,
THIRUVAIYARU, THANJAVUR DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THANJORE DISTRICT AT KUMBAKONAM.
3. THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
4. THE INSPECTOR OF POLICE,
THOGUR POLICE STATION,
THANJAVUR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
6. THE OFFICER INCHARGE,
DISTRICT MINERAL FOUNDATION TRUST,
THANJAVUR DISTRICT.

ORDER

IN

CRL OP(MD) No.5294 of 2020

Date :07/05/2020

MYR

TE/VR/SAR-III : 07/05/2020 : 3P/7C