



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

Date : 10/06/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) . No.5884 of 2020

1. Santhosh,
2. Chandrabose,
3. Bharathi, ... Petitioners/Accused Nos.1 to 3

Vs

State rep.by
The Inspector of Police,
Thiruvonam Police Station,
Thanjavur District.
(Crime.No.490 of 2020). ... Respondent/Complainant

For Petitioners : M/s K.M.Karunakaran,
Advocate.

For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

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

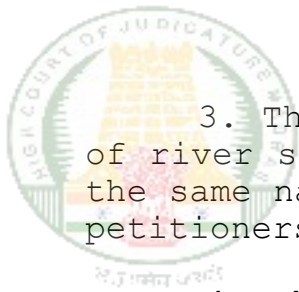
PRAYER :-

For Bail in Crime.No. 490 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioners are arrayed as accused Nos.1 to 3. They were arrested and remanded to Judicial Custody on 01.06.2020 for the offences punishable under sections 379 of I.P.C. r/w. Section 21(1) of Mines and Minerals Act 1957, in Crime No.490 of 2020 on the file of the respondent police. They seek bail.



3. The petitioners are said to have illegally removed 2½ units of river sand. The petitioners are not having any previous case of the same nature. Therefore, I am inclined to show indulgence to the petitioners.

4. The petitioners' counsel gives an undertaking that each of them will deposit a sum of Rs.10,000/- (totally Rs.30,000/-) to the credit of the instant crime number before the jurisdictional Magistrate. The learned Magistrate will arrange to transfer the said amount immediately to any relief fund or welfare fund maintained by the District Administration. The District Administration will also spend the same immediately on some welfare measure and send the user certificate to the Registry of this Court.

5. Subject to this condition, I am 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 petitioners shall be released on own bond by the Magistrate without insisting on sureties. However, the petitioners are directed to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Orathanadu, Thanjavur District, after the concerned Court is reopened.

(ii) the petitioners are directed to appear before the respondent police as and when required for interrogation.

(iii) on breach of any of the aforesaid conditions, the 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 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].

sd/-
10/06/2020

/ TRUE COPY /

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant



TO

1. THE JUDICIAL MAGISTRATE, ORATHANADU.
2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE OFFICER INCHARGE,
SUB JAIL, KUMBAKONAM.
4. THE INSPECTOR OF POLICE,
THIRUVONAM POLICE STATION,
THANJAVUR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.5884 of 2020
Date :10/06/2020

PMU
AE/PN/SAR-II (10.06.2020) 3P 6C