



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

Date : 26/08/2020

WEB COPY

PRESENT

**The Hon`ble Mr.Justice V.BHARATHIDASAN**

CRL OP(MD) . No.8954 of 2020

1.Siva

2.Thirumurugan

3.Vimalraj

... Petitioners/Accused  
No.2 to 4

Vs

The State rep.by  
The Inspector of Police,  
Thanjavur Taluk Police Station,  
Thanjavur District.  
Crime No.1036 of 2020

... Respondent/Complainant

For Petitioners : M/s.D.R.Murugesan,  
Advocate.

For Respondent : Mr.M.Chandrasekaran,  
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.1036 of 2020 on the file of the Respondent Police.

**ORDER :** The Court made the following order :-

The petitioners/A2 to A4 herein was arrested and remanded to Judicial Custody on 13.08.2020 for the offences punishable under Section 379 of I.P.C. r/w Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957.

2.The case of the prosecution is that the petitioners have illegally transported of 1 ½ units of river sand using Tata 407 and JCB.



5. Taking into consideration the facts and circumstances of the case and also taking into consideration the period of incarceration and also taking into consideration the quantum of sand, this Court is inclined to grant bail to the petitioners by imposing conditions.

[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;

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

[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/-  
26/08/2020

/ TRUE COPY /

WEB 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 concerned.

TO

- 1.THE JUDICIAL MAGISTRATE NO II, THANJAVUR DISTRICT.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3.THE INSPECTOR OF POLICE,  
THANJAVUR TALUK POLICE STATION,  
THANJAVUR DISTRICT.
- 4.THE OFFICER INCHARGE,  
SUB JAIL, THANJAVUR DISTRICT.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

**COPY TO:**

THE OFFICER INCHARGE,  
ADVOCATE CLERK'S WELFARE ASSOCIATION, PATTUKOTTAI.

ORDER  
IN  
CRL OP(MD) No.8954 of 2020  
Date :26/08/2020

AAV  
TK/PN/SAR.2/26.08.2020/3P/7C