



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

Date : 18/01/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.437 of 2021

1.Sridhar
2.Venkatesh

... Petitioners/Accused
No.1 and 2

Vs

The State rep.by
The Inspector of Police,
Swamimalai Police Station,
Thanjavur District.
Crime No.1302 of 2020.

... Respondent/Complainant

For Petitioners : Mr.A.Thiruvadi Kumar,
Advocate.

For Respondent : Mr.Ohm Chairma Prabhu,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.1302 of 2020 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2 herein who were arrested and remanded to judicial custody on 21.12.2020 for the alleged offence under Sections 379 of IPC r/w. Section 21(4) of Mines and Minerals (Development and Regulation) Act 1957, on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 21.12.2020 the petitioners said to have committed theft of one unit of river sand using tractor. Hence the complaint

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they been falsely implicated in the



4.The learned Government Advocate(Crl.Side) appearing for the State would submit that sand was recovered by the respondent police. He would also submit that no previous case is pending against the petitioners.

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5.Taking into consideration the facts and circumstances of the case and also taking into consideration the period of incarceration and also taking note of the fact that no previous case is pending against the petitioners, this Court is inclined to grant bail to the petitioners by imposing conditions.

6.Accordingly, the petitioners are ordered to be released on bail, subject to the following conditions:

[a] the petitioners shall draw a demand draft in favour of Dean, Government Rajaji Hospital, Madurai for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only) each** without prejudice to their rights and contentions before the trial Court. The petitioners shall produce the proof of remittance /submission of Demand Draft to Dean while executing sureties.

[b] On acknowledgment of the same by the Dean, Government Rajaji Hospital, Madurai, the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Kumbakonam.

[c] 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;

[d] the petitioners shall report before the respondent police at 10.30 a.m for a period of two weeks and thereafter as and when required for interrogation.

[e]the petitioners shall not abscond either during investigation or trial.

[f]the petitioners shall not tamper with evidence or witness either during investigation or trial.

[g]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].



[h]If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
18/01/2021

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/ /2021

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, KUMBAKONAM.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3.THE INSPECTOR OF POLICE,
SWAMIMALAI POLICE STATION,
THANJAVUR DISTRICT.
- 4.THE OFFICER INCHARGE,
SUB JAIL, THANJAVUR.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE DEAN, GOVERNMENT RAJAJI HOSPITAL,
MADURAI.

ORDER IN
CRL OP(MD) No.437 of 2021
Date :18/01/2021

AAV
TK/PN/SAR.3/18.01.2021/3P/7C