



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

Date : 22/02/2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.2735 of 2021

1.S.Hariharan
2.K.Sakthivel

... Petitioners/1st and 2nd Accused

Vs

The State rep.by
The Inspector of Police,
Kallaperambur Police Station,
Kallaperambur, Thanjavur District.
Crime No.37 of 2021

... Respondent/Complainant

For Petitioners : Mr.P.Pethu Rajesh,
Advocate.

For Respondent : Mr.R.Srinivasan,
Government Advocate (Crl.Side)

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

PRAYER :-

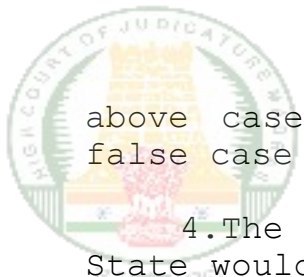
For Bail in Crime No.37 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2 herein who were arrested and remanded to judicial custody on 08.02.2021 for the alleged offence under Sections 379 of IPC and Section 21(1) 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 the petitioner along with other accused said to have illegally transported one unit of river sand in Ashok Leyland Dost Vehilcle bearing Reg. No.TN46 P 1492 without any valid permission from the competent authorities. Hence the complaint

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



above case. He would also submit that for statistical purpose a false case has been foisted against the petitioners.

4.The learned Government Advocate(Crl.Side) appearing for the State would submit that sand was recovered by the respondent police and the vehicle also seized. He would further submit that two previous case of similar nature are pending against the petitioners.

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 the vehicle was seized and the sand was recovered, 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, Thanjavur Medical College Hospital 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 concerned Magistrate while executing sureties.

[b] On acknowledgment of the same, 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, Thanjavur.

[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 daily 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/-
22/02/2021

/ TRUE COPY /

WEB COPY

/ /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. 2,
THANJAVUR.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3.THE INSPECTOR OF POLICE,
KALLAPERAMBUR POLICE STATION,
KALLAPERAMBUR, 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,
THANJAVUR MEDICAL COLLEGE HOSPITAL, THANJAVUR.

+1 CC to Mr.P.PETHU RAJESH, Advocate (SR-1268[I] dated 22/02/2021)

ORDER
IN
CRL OP(MD) No.2735 of 2021
Date :22/02/2021

AAV
TK/VR/SAR.2/22.02.2021/3P/8C