



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/04/2021

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PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.5164 of 2021

1. Nattudurai

2. Prabhu ... Petitioners/Accused No.1 & 2

Vs

The State rep.by,
The Inspector of Police,
Adiramapattinam Police Station,
Thanjavur District.
Crime.No. 136 of 2021..

... Respondent/Complainant

For Petitioner : Mr.K.M.Karunakaran,
Advocate.

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

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

PRAYER :-

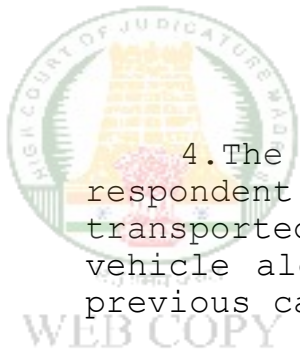
For Bail in Crime No.136 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who were arrested on 28.03.2021 for the offences punishable under Sections 379 of IPC read with Section 21 (1) of Mines and Minerals Act, 1957 in Crime No.136 of 2021 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners are said to have illegally transported one unit of river sand without valid permission from the authorities. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the first petitioner is a Driver and the second petitioner is a Load-Man. He would further submit that the petitioners are not involved in the alleged offence and they have been falsely implicated in this



4.The learned Government Advocate(Crl.Side) appearing for the respondent would submit that the petitioners had illegally transported one unit of river sand. He further submitted that the vehicle along with sand was seized by the respondent police and no previous case is pending against the petitioners.

5.This is a case where allegation against the petitioners is that they have illegally transported one unit of river sand. It is seen from the submission of the learned Government Advocate (Crl.side) that there is no previous case against the petitioner. Therefore, this Court is inclined to grant bail to the petitioner.

6.Accordingly, the petitioners are ordered to be released on bail on their executing 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, Pattukottai, Thanjavur District and on further condition that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b]the petitioners shall report before the respondent police daily at 10.30 am., until further orders.

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

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

[e]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]**.

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

sd/-
09/04/2021

/ TRUE 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.

WEB COPY

TO

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

ORDER
IN
CRL OP(MD) No.5164 of 2021
Date :09/04/2021

NR/PN/SAR-III(09.04.2021) 3P:6C