



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

Date : 05/05/2021

PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD) . No.6540 of 2021

1. Vijayakumar
2. Siva Sakthi Vadivel @ Dharma

... Petitioners/Accused No.1 & 2

Vs

State Rep. by
The Inspector of Police,
Thiruneelakudi Police Station,
Thanjavur District.
(Crime No.132/2021).

... Respondent/Complainant

For Petitioners : Mr.Sathya Chithambaram.S.,
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.132/2021 on the file of the
respondent police.

ORDER : The Court made the following order :-

The petitioners, who were arrested on 22.04.2021 for the
offences punishable under Section 379, 430 IPC r/w Section 21(1)
of the Mines and Minerals (Development and Regulation Act) in Crime
No.132 of 2021 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners were
illegally transported two and half units of river sand by using
Tipper Lorry. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the
petitioners are innocents and a false case has been foisted against
them. He would also submit that the petitioners are in jail from
22.04.2021, hence he seeks bail.

4.The learned Government Advocate(Crl.Side) appearing for the
respondent would submit that the quantity of sand involved is two
and half units and the same was recovered by the respondent police.
He would further submit that the petitioners have no previous case.



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

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, Thiruvidadimaruthur, 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 are directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) each to the credit of Indian Overseas Bank, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172), within a period of two weeks without prejudice to their rights and contentions before the trial Court;

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

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

[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 petitioner 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/-
05/05/2021

/ 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.



TO

1 THE JUDICIAL MAGISTRATE,
THIRUVIDAIMARUTHUR, THANJAVUR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE,
THIRUNEELAKUDI POLICE STATION,
THANJAVUR DISTRICT.

4 THE OFFICER INCHARGE,
SUB-JAIL, THIRUVIDAIMARUTHUR,
THANJAVUR DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE BRANCH MANAGER,
INDIAN OVERSEAS BANK,
SECRETARIAT BRANCH, CHENNAI-9.

ORDER
IN
CRL OP(MD) No.6540 of 2021
Date :05/05/2021

GNS/SSB
JM/VR/SAR IV/06.05.2021/3P/7C