



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

Date : 17/06/2021

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PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.7870 of 2021

1.Vinoth
2.Rajendran
3.Kaviyarasan

... Petitioners/Accused
No.1,4 and 6

Vs

The State rep.by,
The Inspector of Police,
Thiruvonam Police Station,
Tanjavur District.
Crime No.346/2021

... Respondent/Complainant

For Petitioners : Mr.M.Pitchai Muthu,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabakar,
Additional Public Prosecutor

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

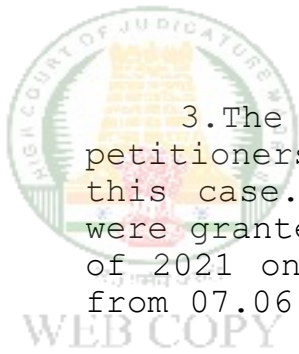
PRAYER :-

For bail in crime No.346 of 2021 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners/A1,A4 and A6, who were arrested on 07.06.2021 for the offences punishable under Sections 379 of IPC r/w.Section 21 (1) of Mines and Minerals Act (Development and Regulation) Act, 1957 in Crime No.346 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 06.06.2021 the petitioners along with other accused persons said to have illegally transported four units of savudu sand without any valid permission using JCB. Hence, the complaint.



3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that co-accused in this case were granted anticipatory bail by this Court in Crl.O.P(MD) No. 7639 of 2021 on 11.06.2021 and the petitioners are in judicial custody from 07.06.2021, hence he seek bail.

4.The learned Additional Public Prosecutor appearing for the respondent police opposed this petition on the ground that the investigation is not yet completed. He would further submit that no previous case of similar nature is pending against the petitioners.

5. Taking into consideration all these facts and also considering the period of incarceration and also the fact that co-accused in this case were granted anticipatory bail by this Court and the fact that no previous case is pending against the petitioners, 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 Orathanadu, Thanjavur District and on further condition that

i)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.

(ii)the petitioners are directed to deposit a sum of Rs.10,000/- **(Rupees Ten Thousand only)** each **to the credit of Government of Tamil Nadu, CMPRF in IOB**, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172), without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties.

iii)the petitioners shall report before the respondent police daily at 10.30 am., until further orders.

iv)the petitioners shall not tamper with evidence or witness.
v)the petitioners shall not abscond during trial.

vi)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]**.



vii) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
17/06/2021

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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,
ORATHANADU, THANJAVUR DISTRICT.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
THIRUVONAM POLICE STATION,
TANJAVUR DISTRICT.
4. THE OFFICER IN CHARGE,
SUB JAIL, PAPANASAM, THANJAVUR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE OFFICER IN CHARGE,
CHIEF MINISTER PUBLIC RELIEF FUND,
GOVERNMENT OF TAMIL NADU,
SECRETARIAT, CHENNAI-9

ORDER
IN
CRL OP(MD) No.7870 of 2021
Date : 17/06/2021

AAV
TK/PN/SAR.4/17.06.2021/3P/7C