



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

Date : 25/06/2021

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PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.8309 of 2021

1.Pushparaj
2.Pargunan @ Bargunanan

... Petitioners/Accused
No.1 and 2

Vs

The State rep.by
The Inspector of Police,
Orathanadu Police Station,
Thanjavur District.
Crime No.534/2021.

... Respondent/Complainant

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

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No. 534 of 2021 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners/A1 and A2 , who were arrested on 16.06.2021 for the offences punishable under Sections 379 of IPC r/w.Section 21(1) of Mines and Minerals (Development and Regulation)Act, 1957 in Crime No.534 of 2021 on the file of the respondent police, seek bail.

2.The case of the prosecution is that when the respondent police was engaged in prevention of offences relating to mines and minerals on 15.06.2021 at about 19.00 hrs near Orathanadu they found John Deere 5105 tractor and Swaraj 744 FE trailer was used for removing sand. On seeing the police, two persons namely Chithiraiselvam and Jaisankar escaped from there and the petitioners herein were arrested, therefore the case came to be registered.



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 the petitioners are in judicial custody from 16.06. 2021, hence he seeks bail.

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4.The learned Government Advocate(Crl.Side) 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 is pending against the petitioners.

5. Taking into consideration all these facts and also considering the period of incarceration and also the fact that the material witnesses are only official witnesses and also the fact that the vehicle and the sand was recovered 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 Madras High Court Madurai Bench, Advocate Clerk's Welfare Association, Madurai-625 023 (Indian Bank Saving Account No.496039124, IFSC Code: IDIB000H040), 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/-
25/06/2021

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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 KUMABAKONAM.
3. THE INSPECTOR OF POLICE,
ORATHANADU POLICE STATION,
THANJAVUR DISTRICT.
4. THE OFFICER INCHARGE,
SUB JAIL, THANJAVUR, THANJAVUR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE OFFICER INCHARGE,
ADVOCATE CLERK'S WELFARE ASSOCIATION,
MADRAS HIGH COURT MADURAI BENCH, MADURAI-625 023

ORDER
IN
CRL OP(MD) No.8309 of 2021
Date : 25/06/2021

AAV
TK/PN/SAR.4/25.06.2021/3P/7C