



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

Date : 16.09.2021

PRESENT

The Hon'ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.13643 of 2021

1.Sethumathavan
2.Sasikumar
3.Senthilkumar ... Petitioners/Accused No.1 to 3

Vs

State rep. by its
The Inspector of Police,
Thiruppanandhal Police Station,
Thanjavur District.
(Crime.No.819 of 2021). ... Respondent/Complainant

For petitioners : Mr.VA.Shanmugaraj
Advocate.

For Respondent : Mr.T.Senthilkumar
Government Advocate (Crl.Side)

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

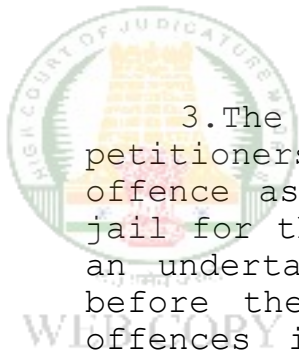
PRAYER :-

For Bail in Crime No.819 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/accused No.1 to 3, who were arrested on 29.08.2021 for the offence punishable under Sections 379 I.P.C r/w 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.819 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioners have illegally transported 4 units of Savudu sand by using a Two Tractors with Tipper and one JCB.



3.The learned counsel for the petitioners submits that the petitioners are innocent persons, they have not committed any offence as alleged by the prosecution and they are languishing in jail for the past 15 days. The petitioners are also ready to file an undertaking affidavit before the respondent police as well as before the trial Court that they will not indulge in any other offences in future. Hence, he seeks for grant of bail to the petitioners.

4.The learned Government Advocate (Crl. Side) appearing for the respondent police submits that the petitioners are having no previous cases. He further submits that the final report is yet to be filed.

5.Considering the nature of mineral involved, the antecedents of the petitioners and their readiness to file an undertaking affidavit before the respondent police as well as before the trial Court that they will not indulge in any other offences in future and also the period of incarceration, this Court is inclined to grant bail to the petitioners.

6. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.25,000/- (Rupees Twenty five thousand only) each with two sureties each for a like sum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Thiruvidadimaruthur, Thanjavur District and on further conditions 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.

WEB COPY

sd/-
16/09/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TM

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 District Munsif cum Judicial Magistrate,
Thiruvidaimaruthur, Thanjavur District.
2. Do Through The Chief Judicial Magistrate,
Thanjavur District at Kumbakonam.
3. The Officer Incharge, Sub Jail, Thiruvidaimaruthur,
Thanjavur District.
4. The Inspector of Police,
Thiruppanandhal Police Station,
Thanjavur District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.VA.SHANMUGARAJ, Advocate (SR-6291[I] dated
16/09/2021)

ORDER IN
CRL OP(MD) No.13643 of 2021
Date : 16.09.2021

TR/VR/SAR-IV(16.09.2021) 3P 7C