



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

Date : 23/09/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD) . No.17106 of 2022

1. Tamimul Ansari

2. Vivakananthan

... Petitioners/Accused No.2&3

Vs

The State Rep. By,
The Inspector of Police,
Panthanallur Police Station,
Thanjavur District.
(Crime No.633/2022).

... Respondent/Complainant

For Petitioner : M/s.Karunakaran K M,
Advocate.

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

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

PRAYER :-

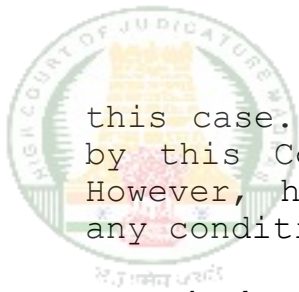
For Bail in Crime No.633/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A2 and A3, who were arrested and remanded to judicial custody on 11.09.2022 for the offences punishable under Section 379 of IPC r/w 4(1) and 21(1) of Mines and Minerals Act, 1957 in Crime No.633 of 2022 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners and other accused have illegally transported five units of river sand. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in



this case. He would further submit that A1 was already granted bail by this Court in Crl.O.P.(MD)No.16935 of 2022, dated 21.09.2022. However, he would further submit that the petitioners shall abide by any condition imposed by this Court.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioners and other accused have transported five units of river sand illegally. He would further submit that the petitioners are having no previous case.

5.Considering the facts and circumstances of the case and also considering the nature of the offence and also the facts that A1 was already granted bail by this Court and that the petitioners are in judicial custody from 11.09.2022, this Court is inclined to grant bail to the petitioners subject to the following conditions:

6.Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail, on 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, Thiruvudaimaruthur.

(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.5,000/- (Rupees Five Thousand only) to the credit of Annai Sathya Ammaiyar Memorial Government Home for Destitute Children, Dr.Thangaraj Colony, K.K.Nagar, Madurai-625 020 (CIF No.89263656176, IFSC No: SBIN0007922, A/c No.37487255860) Phone No.2529809**, without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties;

(ii)the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders;

(iii)the petitioners shall not tamper with evidence or witness;

iv)the petitioner shall not abscond during trial.

v)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].

