



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

Date : 29/09/2022

PRESENT

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

CRL OP(MD) . No.17445 of 2022

1. Manikandan
2. Sakthivel
3. Kumar

... Petitioner/ss/Accused No.1 to 3

Vs

The State Rep. By,
The Inspector of Police,
Pattukottai Taluk Police Station,
Thanjavur District.
Crime No. 462 of 2022.

... Respondent/Complainant

For petitioners : 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 :-

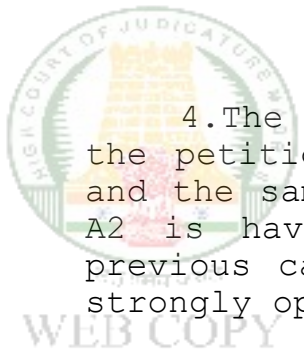
For Bail in Crime No.462 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused, who were arrested and remanded to judicial custody on 13.09.2022 for the offences punishable under Section 379 IPC r/w.21(1) of Mines and Minerals Act, 1957, in crime No.462 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that when the defacto complainant was in routine check up the petitioners have illegally transported 1 ½ unit of river sand by using TATA 407 Van. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution and their names have been false implicated in this case. He would further submit that the petitioners are in judicial custody from 13.09.2022, hence they may be granted bail.



4.The learned Additional Public Prosecutor would submit that the petitioners have transported 1 ½ unit of river sand illegally and the same has been recovered. He would further submit that the A2 is having two previous case and the other accused have no previous cases and the investigation of the case is pending and strongly opposed to grant bail to the petitioners.

5.Considering the submissions made by the learned counsel on either side and also considering the period of incarceration, this Court is inclined to grant bail to the petitioners on certain 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, Pattukkottai.

(i) the petitioners are directed to pay a sum of Rs.1,500/- (Rupees One Thousand and Five Hundred only) to the Rojavanam, Home for Old Aged, Melur Road, Uthangudi, Ulaganeri, Madurai - 625 107, 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 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;

(iii) the petitioners shall report before the respondent police daily at 10.30 a.m., 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/-

29/09/2022

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29/09/2022

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



TO

1. THE JUDICIAL MAGISTRATE,
PATTUKKOTTAI.
2. DO-THROUGH : THE CHEIF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
PATTUKOTTAI TALUK POLICE STATION,
THANJAVUR DISTRICT.
4. THE OFFICER-INCHARGE,
SUB-JAIL, THANJAVUR.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO :

THE OFFICER-INCHARGE,
ROJAVANAM, HOME FOR OLD AGED, MELUR ROAD,
UTHANGUDI, ULAGANERI,
MADURAI-625107.

+1 CC to M/s.K.M.KARUNAKARAN, Advocate (SR-10710[I] dated
29/09/2022)

ORDER
IN
CRL OP(MD) No.17445 of 2022
Date :29/09/2022

TRP
USK/VR/SAR-I/29.09.2022/3P/8C