



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

Date : 21/04/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.7442 of 2023

1. Vivek @ Balamurali

2. Uthayarasan @ Lawrence ... Petitioners / Accused No.1 & 2

Vs

State rep by
The Inspector of Police,
Kallaperambur Police Station,
Thanjavur District.
(Crime No. 50/2023.)

... Respondent / Complainant

For Petitioners : M/s.Saravanakumar.P, Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No. 50 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners /A1 and A2 who were arrested and remanded to judicial custody on 02.04.2023 for the offences under sections 379 of IPC r/w.21(1) of Mines and Minerals Act, 1957 in Crime No.50 of 2023 on the file of the respondent police seek bail.

2. The case of the prosecution is that the petitioners along with other accused have illegally transported 15 bags of river sand, hence the case.

3. Heard. Perused the materials available on record including the First Information Report.

4. Taking into consideration of the facts and submissions made by the learned counsels and also the period of incarceration, this



court is inclined to grant bail to the petitioners , subject to the following conditions:

5. 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 learned Judicial Magistrate No.II, Thanjavur 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 a.m., for a period of two weeks and thereafter as and when required for interrogation.

[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.

sd/-

21/04/2023

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21/04/2023

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

AAV

To

1.The Judicial Magistrate No.II,
Thanjavur.

2.Do through the Chief Judicial Magistrate,
Thanjavur District at Kumbakonam.



3.The Inspector of Police,
Kallaperambur Police Station,
Thanjavur District.

4.The Officer Incharge,
Sub Jail,
Thanjavur.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.SARAVANAKUMAR.P, Advocate (SR-6265[I] dated 21/04/2023)

ORDER

IN

CRL OP(MD) No.7442 of 2023

Date :21/04/2023

ED/SSS/SAR- (21/04/2023) 3P 7C