



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/05/2023

PRESENT

WEB COPY

The Hon`ble Mrs.Justice R. KALAIMATHI

CRL OP(MD). No.8704 of 2023

1. Kumar
2. Sakthivel ... Petitioners/Accused No.2 & 3

Vs

The State Rep.by
The Inspector of Police,
Nachiyarkoil Police Station,
Thanjavur District
(Crime No.331 of 2023).

... Respondent/Complainant

For Petitioner : M/s. Prithviraj.P.R,
Advocate.

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

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

PRAYER :-

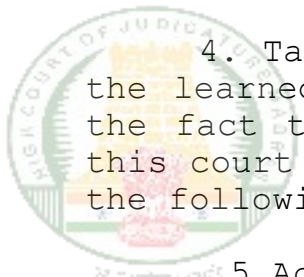
For Bail in Crime No.331 of 2023 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners /A2 and A3 who were arrested and remanded to judicial custody on 18.04.2023 for the offences under sections 379 of IPC r/w.21(1) of Mines and Minerals Act, 1957 in Crime No.331 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 one unit of river sand, hence the case.

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



4. Taking into consideration the facts and submissions by the learned counsels and also the period of incarceration so the fact that no previous case is pending against the petitioner, 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, Kumbakonam 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 make a non refundable deposit of Rs.2,000/- (Rupees Two Thousand only) **each** to the credit of the Chairman/District Collector, District Mineral Foundation Trust of the concerned District and shall produce the receipt/acknowledgment before the concerned Court along with surety affidavit.

[c] 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.

[d] the petitioners shall not abscond either during investigation or trial.

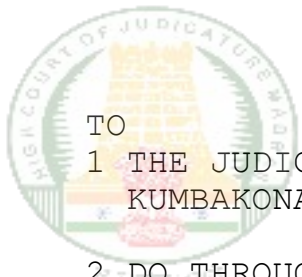
[e] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[f] 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 are 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
10/05/2023

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE NO.II,
KUMBAKONAM.

2 DO THROUGH

THE CHIEF JUDICIAL MAGISTRATE
THANJAVUR AT KUMBAKONAM.

3 THE OFFICER IN CHARGE,
DISTRICT JAIL,
PUDUKOTTAI DISTRICT.

4 THE INSPECTOR OF POLICE
NACHIYARKOIL POLICE STATION,
THANJAVUR DISTRICT

5 THE CHAIRMAN/DISTRICT COLLECTOR,
DISTRICT MINERAL FOUNDATION TRUST,
THANJAVUR DISTRICT.

6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S. PRITHVIRAJ.P.R Advocate SR.No.7248

ORDER

IN

CRL OP(MD) No.8704 of 2023

Date :10/05/2023

MGJ(10.05.2023) 3P 8C