



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 24/05/2023
PRESENT

WEB COPY

The Hon`ble Mr.Justice P.VADAMALAI

CRL OP(MD) . No.9383 of 2023

1.Rajadurai
2.Saravanan
3.Pothiraja

... Petitioners/Accused Nos.1 to 3

Vs

The State represented by
The Inspector of Police,
Thiruchitrambalam Police Station,
Thanjavur District.
Cr.No.120/2023.

... Respondent/Complainant

For Petitioners : M/s.K.M.Karunakaran
Advocate.

For Respondent : Mr.RMS.Sethuraman,
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No.120/2023 on the file of the
Respondent Police.

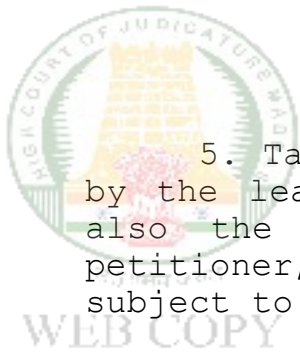
ORDER : The Court made the following order :-

The petitioners / A1 to A3 who were arrested and remanded to
judicial custody on 13.05.2023 for the offences under sections
379 of IPC r/w 21(1) of the Mines and Minerals (Development and
Regulation) Act, 1957 in Crime No.120 of 2023 on the file of the
respondent police seeks bail.

2. The case of the prosecution is that the petitioners have
illegally transported each 1/4 unit river sand. Hence the
complaint.

3. The learned Additional Public Prosecutor submitted that A1
is having one previous case and A3 is having two previous cases.

4. Heard both sides. Perused the materials available on record
including the First Information Report.



5. Taking into consideration of the facts and submissions made by the learned counsels and also the period of incarceration and also 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:

6. 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, Peravurani 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.3,000/- (Rupees Three 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 30 days 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.

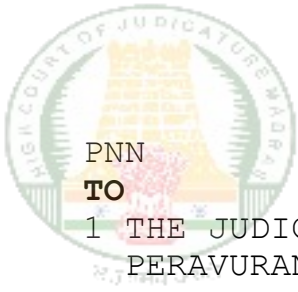
[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioners are released on bail by the learned Magistrate/Trial Court himself as laid 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/-
24/05/2023

/ TRUE COPY /

24/05/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



PNN
TO

1 THE JUDICIAL MAGISTRATE,
PERAVURANI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE SUPERINTENDENT,
CENTRAL PRISON, TIRUCHIRAPPALLI.

4 THE INSPECTOR OF POLICE,
THIRUCHITRAMBALAM POLICE STATION,
THANJAVUR DISTRICT.

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

COPY TO:

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

+1. CC to M/S.KARUNAKARAN.K.M Advocate SR.No.7806

ORDER

IN

CRL OP(MD) No.9383 of 2023

Date :24/05/2023

SA/24.05.2023/3P/8C