



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 27/06/2023
PRESENT

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

CRL OP(MD) . No.11501 of 2023

1. Surendhar,

2. Sebastin,

... Petitioners/Accused 1 & 2

Vs

The State rep.by
The Inspector of Police,
Thanjavur West Police Station,
Thanjavur District.
Cr.No.750/2023

... Respondent/Complainant

For Petitioners : M/s.SENTHIL MURUGAN C,
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.750 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 13.06.2023 for the offences under sections 379 of IPC r/w.section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.750 of 2023 on the file of the respondent police seek bail.

2. The case of the prosecution is that the petitioners 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 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.I, 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 deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) as non refundable deposit by way of Demand Draft/RTGS/NEFT to the M.S.Chellamuthu Trust and Research Foundation, Alagarkovil, Madurai (Account No.11194450660, IFSC Code-SBIN0001479, State Bank of India, Vinayaganagar Branch, No.8, Dr.Ambedkar Road, Madurai-20) and shall produce the receipt before the concerned Magistrate at the time of executing the bond and on such deposit being made, the learned Judicial Magistrate shall accept the sureties furnished by the petitioners.

[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 is 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.

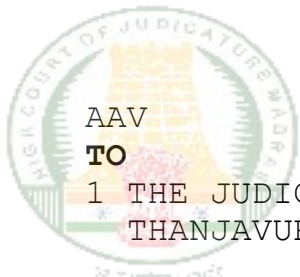
sd/-

27/06/2023

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27/06/2023

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



AAV

TO

1 THE JUDICIAL MAGISTRATE NO.I,
THANJAVUR.

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

3 THE OFFICER INCHARGE,
DISTRICT PRISON, THANJAVUR.

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

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

COPY TO:

THE OFFICER INCHARGE,
M.S.CHELLAMUTHU TRUST AND RESEARCH
FOUNDATION, ALAGARKOVIL, MADURAI.

+1. CC to M/S.SENTHIL MURUGAN C Advocate SR.No.9720 (I)
Dt.27/06/2023.

ORDER

IN

CRL OP(MD) No.11501 of 2023

Date :27/06/2023

SA/VR/SAR. /27.06.2023/3P/8C