



CRL OP(MD)No.17858 of 2023

WEB COPY

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

Date : 16.10.2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM
CRL OP(MD)No.17858 of 2023

1.D.Kannan

2.S.Karthi

... Petitioners/ Accused No.1 & 2

Vs

State Rep.by
The Inspector of Police,
Saptur Police Station,
Madurai District.
Crime No.123 of 2023

... Respondent/Complainant

For Petitioners : Mr.M.Gnanagurunathan, 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.123 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who were arrested and remanded to judicial custody on 14.09.2023 for the alleged offence punishable under Section 379 IPC and Section 4(1) (1A) and 21(1) of the Mines and Minerals (Development & Regulation) Act, 1957 in Crime No.123 of 2023, on the file of the respondent police, seek bail.

2.The case of the prosecution is that the accused persons illegally transported quarter unit of river sand by using bullock cart. Hence the case.



CRL OP(MD)No.17858 of 2023

WEB COPY

3.The learned counsel appearing for the petitioners would contend that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. He would further submit that the petitioner is in custody from 14.09.2023, hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that the petitioners illegally transported sand by using bullock cart. That apart, the petitioners are having one similar previous case. Hence, he objected to grant bail to the petitioners.

5.Heard both sides and perused the materials available on record.

6.Considering the facts and circumstances and also considering the period of incarceration and taking into consideration of the principle stated by the Honourable Supreme Court in Sanjay Chandra and others vs. CBI reported in (2012) 1 SCC 40, this Court is inclined to grant bail to the petitioners, subject to the following conditions:

(i) Accordingly, the petitioners are ordered to be released on bail on condition to execute 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 District Munsif cum Judicial Magistrate, Peraiyur, Madurai District and on further conditions that:

(ii) the sureties shall affix their photographs and left thumb impression in the



CRL OP(MD)No.17858 of 2023

WEB COPY

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 appear before the trial Court on summons.

(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/-

16/10/2023

/ TRUE COPY /

16/10/2023

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

gns
TO

1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, PERAIYUR,
MADURAI DISTRICT.



CRL OP(MD)No.17858 of 2023

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

WEB COPY

3 THE INSPECTOR OF POLICE, SAPTUR POLICE STATION, MADURAI DISTRICT.

4 THE OFFICER INCHARGE, SUB JAIL, THIRUMANGALAM.

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

+1 CC to M/s.K.SAMIDURAI, Advocate (SR-15220[I] dated 16/10/2023)

ORDER

IN

CRL OP(MD) No.17858 of 2023

Date :16/10/2023

RS//SAR-(16.10.2023) 4P 7C

Madurai Bench of Madras High Court is issuing
certified copies in this format from 17/07/2023