



CRL OP(MD). No.23003 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/12/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.23003 of 2023

1. Karthi @ Karthikeyan

2. Palanisamy

... Petitioners/ Accused Rank No.1 & 2

Vs

The Inspector of Police,
Thirukattupalli Police Station,
Thanjavur District,
Crime No.437/2023.

... Respondent/Complainant

For Petitioners : M/s.Dhilipan Pandian.R.L,
Advocate.

For Respondent : Mr.R.M.S.Sethuraman,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.437/2023 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 06.12.2023 for the alleged offence punishable under Sections 379 of IPC r/w.21(1) of Mines and Minerals(Development and Regulation) Act, in Crime No.437 of 2023, on the file of the respondent police, seek bail.



CRL OP(MD). No.23003 of 2023

WEB COPY

2.The case of the prosecution is that the petitioners along with other accused have illegally transported $\frac{1}{2}$ unit of river sand in a bullock cart. Hence the case.

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 06.12.2023, hence he seek bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that petitioners along with other accused have illegally transported $\frac{1}{2}$ unit of river sand in a bullock cart, hence, he strongly objected to grant bail to the petitioners. However he fairly concedes that no previous case is pending against the petitioners.

5.Considering the nature of allegations made against the petitioners and also considering the period of incarceration and taking note of the fact that no previous case is pending against the petitioner and also 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 and the nature of the offence alleged by the petitioners, this Court is inclined to grant bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail on condition to execute a own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) subject



CRL OP(MD). No.23003 of 2023

to the satisfaction of the learned Judicial Magistrate, Thiruvaiyaru, Thanjavur

WEB COPY

District and on further conditions that:

(ii) the petitioners shall appear before the trial Court on receipt of summons

(iii) the petitioners shall not tamper with evidence or witness;

(iv) 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].

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

20/12/2023

/ TRUE COPY /

20/12/2023

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

AAV
TO

1 THE JUDICIAL MAGISTRATE,
THIRUVAIYARU, THANJAVUR DISTRICT.



CRL OP(MD). No.23003 of 2023

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

3 THE INSPECTOR OF POLICE
THIRUKATTUPALLI POLICE STATION,
THANJAVUR DISTRICT

4 THE OFFICER INCHARGE,
DISTRICT PRISON, THANJAVUR, THANJAVUR DISTRICT.

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

+1 CC to M/s.R.L.DHILIPAN PANDIAN, Advocate (SR-18097[I] dated 20/12/2023
)

ORDER
IN

CRL OP(MD) No.23003 of 2023

Date :20/12/2023

SS/SAR- /20/12/2023/4P/7C

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