



CRL OP(MD). No.2316 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/02/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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1.Tamilarasan

2.Gopi

... Petitioner/Accused Nos.1 & 2

Vs

The Inspector of Police,
Pandhanallur Police Station,
Thanjavur District.
Crime No.64 of 2024.

... Respondent/Complainant

For Petitioner : Mr.Dhilipan Pandian R.L,
Advocate.

For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor.

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

PRAYER :-

For Bail in Crime No.64 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused, who were arrested and remanded to
judicial custody on 03.02.2024 for the alleged offence punishable under



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Section 379 of I.P.C r/w Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.64 of 2024 on the file of the respondent Police, seek bail.

2. The case of the prosecution is that on 03.02.2024, when the defacto complainant was doing his routine patrol duty, the petitioners and other accused persons were found in illegal transportation of 3 units of river sand. Hence the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have not committed any such offence as alleged by the prosecution. He would further submit that the petitioners are in judicial custody from 03.02.2024. However, on instruction, he would further submit that the petitioners, without prejudice to their rights, are ready to deposit a sum of Rs.75,000/- to the restoration of Kanmai situated around the Othakadai and Narasingam areas in Madurai District, hence, he prays for bail.



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4. The learned Additional Public Prosecutor appearing for the respondent Police strongly opposed to grant bail stating that the petitioners and others had transported 3 units of river sand illegally. Further he would submit that one previous case is pending against the petitioners.

5. Considering the facts and circumstances of the case and also considering the amount of sand involved in this case, 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 the **learned District Munsif cum Judicial Magistrate, Thiruvaidaimaruthur, Thanjavur District**, and on further conditions that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate



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may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)(i) as per the undertaking given by the petitioners, the petitioners are directed to deposit a sum of **Rs.75,000/- (Rupees Seventy Five Thousand only) jointly in the name of the President, Narasingam Panchayat [Account No.10111536134; MICR Code: 625002008, CIF No: 80080760562, IFSC Code: SBIN0002246, Othakadai Branch, Madurai (2246)]**, for restoration of Kanmai, without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the trial Court while executing the sureties;

(ii) the President of Narasingam Panchayat, B.D.O, Madurai East Panchayat Union and P.W.D (A.E), Madurai East Circle, Madurai, are directed to carryout the restoration works as mentioned above in the Kanmai around Othakadai and Narasingam areas in Madurai using the above said deposit amounts and report the same with necessary proofs of accounts, receipts and documents before the concerned trial Court and the Registrar, Madurai Bench of Madras High Court, Madurai, within a period of eight weeks from the date of receipt of copy of this order.



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(c) the petitioners are directed to appear before the respondent police daily at 10.30 a.m., until further orders.

(d)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioners shall not abscond 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 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]*; and;

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

14.02.2024

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M.DHANDAPANI,J

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TO

- 1.The learned District Munsif cum Judicial Magistrate,
Thiruvudaimaruthur, Thanjavur District.
2. Do-Through The Chief Judicial Magistrate,
Thanjavur District.
- 3.The Superintendent,
Sub Jail, Papanasam.
- 4.The Inspector of Police,
Pandhanallur Police Station,
Thanjavur District.
- 5.The President,
Narasingam Panchayat,
Narasingam, Madurai District.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN

CRL OP(MD) No.2316 of 2024

Date : 14/02/2024