



CRL OP(MD).No.5494 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12.04.2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD).No.5494 of 2024

1. Sakthivel
2. Aravindhan

...Petitioners/ Accused Rank Nos.1&2

Versus

The State Rep. by
The Inspector of Police,
Thiruvaiyaru Police Station,
Thanjavur District.
(Crime No.186 of 2024)

...Respondent/ Complainant

For Petitioners: Mr.R.L.Dhilipan Pandian
Advocate

For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.186 of 2024 on the file of the Respondent Police.



CRL OP(MD).No.5494 of 2024

WEB COPY

ORDER : The Court made the following order :-

The respondent police registered a case as against the petitioners in Crime No.186 of 2024 for the offence under Sections 379 IPC r/w. 21(1) of Mines and Minerals (Development and Regulations) Act, 1957 and remanded them into judicial custody on 30.03.2024. Therefore, the petitioners have filed this petition seeking bail.

2. The case of the prosecution is that the petitioners have illegally transported 1/4 unit of river sand in a bullock-cart.

3. The learned counsel for the petitioners submits that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. However, they are languishing in jail from 30.03.2024.

4. The learned Additional Public Prosecutor appearing for the respondent opposes for grant of bail on the ground that the first petitioner is having three previous cases and the second petitioner is not having any previous case.

5. Since the first petitioner is having three previous case, this Court is not



CRL OP(MD).No.5494 of 2024

inclined to grant bail to the first petitioner. Accordingly, this petition is dismissed insofar as the first petitioner is concerned.

6. Insofar as the second petitioner is concerned, considering the quantum of minerals, the period of incarceration and also considering the fact that the second petitioner is not having any previous case, this Court is inclined to grant bail to the second petitioner.

7. Accordingly, this Criminal Original Petition is partly allowed and the second petitioner is ordered to be released on bail

i) on the second petitioner executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand), with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Thiruvaiyaru, Thanjavur District.

ii) The second petitioner and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the Government in proof of their residence address;

iii) The second petitioner shall appear before the respondent Police daily at 10.30 a.m. for a period of two weeks and thereafter, as



CRL OP(MD).No.5494 of 2024

and when required for interrogation. He has to co-operate for the investigation.

iv) The second petitioner shall not misuse the liberty granted to him by indulging in any further offence and shall not tamper with the prosecution witnesses. He shall be available for the trial as well.

v) On violation of any of the above conditions by the second petitioner, the respondent police shall move an application for cancellation of the bail.

sd/-
12/04/2024

/ TRUE COPY /

12/04/2024
Sub-Assistant Registrar (CS -I)
Madurai Bench of Madras High Court,
Madurai - 625 023.

ogy

TO

1.THE JUDICIAL MAGISTRATE,
THIRUVAIYARU,
THANJAVUR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR @ KUMBAKONAM.



CRL OP(MD).No.5494 of 2024

3.THE SUPERINTENDENT,
DISTRICT PRISON,
THANJAVUR,
THANJAVUR DISTRICT.

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

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

ORDER
IN
CRL OP(MD) No.5494 of 2024
Date :12/04/2024

RK (12/04/2024) 5P / 6C
Madurai Bench of Madras High Court is issuing certified copies in this format from
17/07/2023