



CRL OP(MD). No.6843 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/05/2024

PRESENT

THE HON`BLE MR.JUSTICE ABDUL QUDDHOSE

CRL OP(MD). No.6843 of 2024

1.Ananthababu,
S/o.Ganesan,
Middle Street, Chokkanavur,
Pattukottai Taluk,
Thanjavur District.

2.Sathish,
S/o.Saminathan,
West Street,
Chokkanavur,
Pattukottai Taluk,
Thanjavur District.

3.Rajesh,
S/o.Thangarasu,
West Street,
Chokkanavur,
Pattukottai Taluk,
Thanjavur District.

... Petitioners/ Accused 1 to 3

Vs

The Inspector of Police,
Madakkur Police Station,
Thanjavur District.
Cr.No.125/2024.

... Respondent/ Complainant



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CRL OP(MD). No.6843 of 2024

For Petitioners :Mr. B.Anandan,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.125/2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who were arrested on 24.04.2024, in connection with a case in Crime No.125 of 2024, on the file of the respondent police, for the offences punishable under Sections 379 IPC r/w 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957, have filed this petition seeking bail.

2. The case of the prosecution is that the petitioners have illegally transported ½ unit of river sand in a vehicle bearing Registration No.TN 49 AZ 6196. Hence, the complaint.

3. The learned counsel appearing 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 24.04.2024. Hence, he



CRL OP(MD). No.6843 of 2024

prays for grant of bail to the petitioners.

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4. The learned Additional Public Prosecutor appearing for the respondent Police strongly opposes for grant of bail to the petitioners that the investigation is under progress. He further submits that no previous case is pending as against these petitioners.

5. Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the respondent police.

6. This Court, while granting bail in this matter, has taken into consideration (a) gravity of the crime, (b) character of the evidence, (c) position and status of the accused with reference to the victim and witnesses, (d) likelihood of the accused fleeing from justice and repeating the offence, (e) possibility of the accused (petitioners) tampering with the witnesses and obstructing the course of justice.

7. It is also settled law that at the time of consideration of bail application, it is neither necessary nor desirable to weigh the evidence meticulously to arrive at a positive finding as to whether or not the accused (petitioners) have committed the



CRL OP(MD). No.6843 of 2024

alleged offences. What is to be seen is whether there is a reasonable ground for believing that accused (petitioners) are not guilty of the offences they are charged with.

8. The Court has to strike a balance between the rights of the accused (petitioners) to their liberty and the interest of the society. Liberty of an accused (petitioners) cannot be snatched unreasonably for an uncertain time only on the basis of mere allegations.

9. After taking into consideration the aforementioned factors, this Court is inclined to grant bail to the petitioners subject to fulfilment of the following conditions by them.

i. The petitioners shall make a non refundable deposit of Rs.20,000/- (Rupees Twenty Thousand only) each to the credit of the Chairman/District Collector, District Mineral Foundation Trust of the concerned District, without prejudice to their defence before the trial Court.

ii. On such deposit, the petitioners shall execute a bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) each with two sureties each



CRL OP(MD). No.6843 of 2024

for a like sum to the satisfaction of the learned Judicial Magistrate,
Pattukkottai.

- iii. The petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;
- iv. 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.
- v. The petitioners shall not tamper with evidence or witness either during investigation or trial;
- vi. The petitioners shall not abscond either during investigation or trial;
- vii. On breach of any of the aforesaid conditions, the learned Magistrate/
Trial Court is entitled to take appropriate action against the petitioners in



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CRL OP(MD). No.6843 of 2024

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 ;

viii.If the accused/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

10.Accordingly, this Criminal Original Petition stands ordered.

sd/-
08/05/2024

/ TRUE COPY /

08/05/2024
Sub-Assistant Registrar (LIASONING)
Madurai Bench of Madras High Court,
Madurai - 625 023.

vrn

TO

1.THE JUDICIAL MAGISTRATE, PATTUKKOTTAI.

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



CRL OP(MD). No.6843 of 2024

3.THE OFFICER IN CHARGE,
DISTRICT PRISON, PUDUKKOTTAI.

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

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

COPY TO

THE CHAIRMAN/DISTRICT COLLECTOR,
DISTRICT MINERAL FOUNDATION TRUST
THANJAVUR.

+1 CC to M/s.B.ANANDAN, Advocate (SR-5353[I] dated 08/05/2024)

ORDER
IN

CRL OP(MD) No.6843 of 2024

Date :08/05/2024

RK (08/05/2024) 7P / 8C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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