

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 06/06/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.7682 of 2019

Saravanan ... Petitioner/Accused No.1

-Vs-

State Rep.By

The Inspector of Police,,
Thiruppuvanam Police Station,
Sivagangai District.
Crime No.177/2019.

... Respondent/Complainant

For Petitioner : M/s.Sp.Vijay Nivas
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor.

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

ORDER : The Court Made the following order :-

This petition has been filed by the petitioner/Accused No.1 seeking bail for the alleged offence punishable under Section 21(1) of Mines and Minerals Act and Section 379 of IPC, in Crime No.177 of 2019.

2.Heard both sides.

3.The learned counsel for the petitioner has submitted that the petitioner is an innocent person and he has been falsely implicated the above case. He further submitted that the petitioner has been arrested by the respondent police on 14.05.2019 and from that day onwards, he is in custody and hence, he prayed to grant bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent police has submitted that already two cases were registered under the Mines and Minerals Act and also under Section 379 of IPC and in those cases, the petitioner has admitted the offence and paid the fine amount. Even thereafter, he continues to commit same kind of offence. On 13.05.2019 at about 8.00 p.m., it was found that the petitioner was taking quarter unit of river sand

illegally from Vaigai River in Bullock cart and if he released on bail, he may commit the same kind of offence and hence, he strongly opposed this petition.

5. Taking into consideration the fact that already the petitioner was convicted for the same kind of offence and also the fact that the petitioner is in custody from 14.05.2019 and also the fact that the quantity of the sand involved in this case is only quarter unit, this Court is inclined to grant bail to the petitioner by imposing conditions.

[a] the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Manamadurai;

[b] the petitioner as well as the sureties shall submit a copy of their Aadhar Card or any other identity cards issued by the Government, in proof of their address, along with the surety bonds;

[c] the petitioner shall stay at Namakkal and report before the Namakkal Town Police Station daily at 10.00 a.m., until further orders;

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

06/06/2019

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

TO

1. THE JUDICIAL MAGISTRATE, MANAMADURAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE INSPECTOR OF POLICE,,
THIRUPPUVANAM POLICE STATION, SIVAGANGAI DISTRICT.
4. THE INSPECTOR OF POLICE,
NAMAKKAL TOWN POLICE STATION.

5. THE OFFICER INCHARGE, SUB JAIL,
SIVAGANGAI.
6. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.SP.VIJAY NIVAS Advocate SR.No.9155

ORDER

IN

CRL OP(MD) No.7682 of 2019

Date :06/06/2019

MS/VR/SAR-1/06.06.2019/3P.8C



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