



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 18/11/2020

PRESENT

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The Hon'ble Mr.Justice S.M.SUBRAMANIAM

CRL OP(MD). No.13093 of 2020

Ravi ... Petitioner/Accused No.1

Vs

State Rep. by
The Inspector of Police,
Usilampatti Taluk Police Station,
Madurai District.
(In Crime No.1388/2020). ... Respondent/Complainant

For Petitioner : M/s.S.Balaji, Advocate.
For Respondent : Mr.R.Erottu Chamy,
Government Advocate (Crl.Side)

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

PRAYER :- For Bail in Crime No.1388 of 2020 on the file of the Respondent Police.

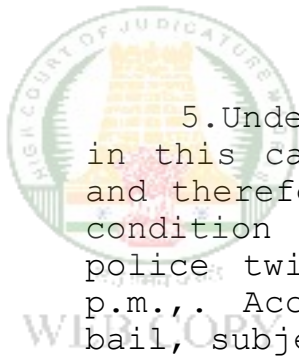
ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioner was arrested and remanded to Judicial Custody on 25.10.2020 for the offences punishable under section 379 of I.P.C., r/w Section 2(1), 21(5) of Mines and Minerals (Development and Regulation) Act, in Crime No.1388 of 2020 on the file of the respondent police. He seeks bail.

3.The learned counsel for the petitioner made a submission that the information provided by the learned Government Advocate (Crl.side) that the petitioner is already having six previous cases, which all are similar in nature, informed that the petitioner no doubt has involved in other cases but not the similar case.

4.However, it is brought to the notice of this Court that the petitioner is a habitual sand smuggler and involved in previous cases. Such habitual offenders are to be dealt properly and sand mining is a serious offence affecting ecological and environmental conditions of the Nation. Stringent actions are required against such mining offenders.



5. Under these circumstances, this Court is of the opinion that in this case, the quantity of sand smuggling involved is one unit and therefore, the petitioner is directed to be released on bail on condition that the petitioner should appear before the respondent police twice a day morning at 10.00 a.m., and evening at 07.00 p.m.,. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions;

(a) the petitioner shall execute 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 No.1, Usilampatti, Madurai District.

[b] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[c] the petitioner shall report before the respondent police twice a day morning at 10.00 a.m., and evening at 07.00 pm., until further orders.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner 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].

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

6. The respondent police is directed to monitor the activities of this petitioner discreetly and in the event of any misconduct or otherwise, then, file a petition for passing appropriate orders by this Court.

sd/-
18/11/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

WEB COPY

TO

- 1 THE JUDICIAL MAGISTRATE NO.I,
USILAMPATTI, MADURAI DISTRICT.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
 - 3 THE INSPECTOR OF POLICE,
USILAMPATTI TALUK POLICE STATION,
MADURAI DISTRICT.
 - 4 THE OFFICER INCHARGE,
DISTRICT JAIL, VIRUDHUNAGAR.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.S.BALAJI, Advocate (SR-7514[I] dated 18/11/2020)

ORDER
IN
CRL OP(MD) No.13093 of 2020
Date :18/11/2020

RMI
JM/PN/SAR II/18.11.2020/3P/7C