



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/03/2021

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.3515 of 2021

Mahalingam

... Petitioner/Accused No.2

Vs

The State rep.by,
The Inspector of Police,
Watrap Police Station,
Virudhunagar District
Crime. No. 312/2019..

... Respondent/Complainant

For Petitioner : M/s.Thalaimutharasu.G.,
Advocate.

For Respondent : Mr.R.Srinivasan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.312 of 2019 on the file of the
Respondent Police

ORDER : The Court made the following order :-

The petitioner/A2 herein who was arrested and remanded to judicial custody on 29.01.2021 for the alleged offence under Sections 379 of IPC r/w. Section 21(1) of Mines and Minerals (Development and Regulation) Act 1957, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner has committed a theft of ¼ unit of sand using tractor without permission from the authorities. Hence the complaint

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in the



4.The learned Government Advocate(Crl.Side) appearing for the State would submit that sand was recovered by the respondent police. He would also submit that 11 previous case is pending against the petitioner.

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5.Taking into consideration the facts and circumstances of the case and also taking into consideration the period of incarceration and also taking note of the fact that the sand was recovered, this Court is inclined to grant bail to the petitioner by imposing conditions.

6.Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions:

[a] the petitioner shall draw a demand draft in favour of Dean, Government Rajaji Hospital, Madurai for a sum of **Rs.10,000/- (Rupees Ten Thousand only)**without prejudice to his rights and contentions before the trial Court. The petitioner shall produce the proof of remittance /submission of Demand Draft to the Magistrate while executing sureties.

[b] On acknowledgment of the same 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.I, Srivilliputhur, Virudhunagar District.

[c] the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

[d] the petitioner 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.

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

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

[g]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].



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

sd/-
05/03/2021

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/ /2021

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

AAV

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.

TO

- 1 THE JUDICIAL MAGISTRATE NO.I,
SRIVILLIPUTHUR, VIRUDHUNAGAR DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE
WATRAP POLICE STATION,
VIRUDHUNAGAR DISTRICT
- 4 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 5 THE DEAN,
GOVERNMENT RAJAJI HOSPITAL, MADURAI.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.3515 of 2021
Date :05/03/2021

NR/VR/SAR-IV(05.03.2021) 3P:7C