



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

Date : 23/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD)No.4558 of 2021

Mahendran

...Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
Melavalavu Police Station,
Madurai District.
Crime No.1232/2020.

... Respondent/Complainant

For Petitioner : Mr.M.Jegadeesh Pandian, Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :- For Bail in Crime no.1232 of 2020 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 13.03.2021 for the offences punishable under Section 379 IPC and Section 21(5) of the Mines and Minerals (Development and Regulation) Act, 1957 in crime No.1232 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 25.11.2020 when the defacto complainant was in routine check up, the petitioner and the other accused were said to have illegally transported sand. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is a Driver by profession and earlier, he was arrested on 13.03.2021 in crime No.51 of 2021 for the similar offence and bail was granted by the Court below, today. The respondent police shown arrest in the present case for the occurrence taken place on 25.11.2020, much later in order to keep him in confinement for a prolonged period. He would further submit that the marriage of the petitioner is arranged tomorrow i.e., on 24.03.2021 and invitation card also received.

<https://hcservices.ecourts.gov.in/hcservices/>



4.The learned Government Advocate(Crl.side) was asked to verify about the marriage. On instruction, he would submit that the marriage of the petitioner is to take place on 24.03.2021.

5.In view of the same, this Court is inclined to grant bail to the petitioner subject to certain conditions. At this stage, the learned counsel for the petitioner would submit that the petitioner is already filed bail petition before the Special Court for MMDR Act Cases, Madurai in Crl.M.P.No.577 of 2021 and the same was ordered today, i.e., 23.03.2021 and the petitioner executed sureties in that case.

6.Therefore, the petitioner is ordered to be released on bail on his executing own bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) to the satisfaction of the Superintendent of Prison, District Prison, Virudhunagar and further conditions that:

i)the petitioner shall report before the respondent police as and when required.

ii)the petitioner shall not tamper with evidence or witness.

iii) the petitioner shall not abscond during trial.

iv)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].

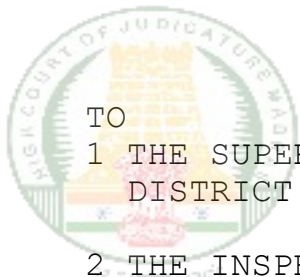
v) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
23/03/2021

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/ /2021
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.



TO

1 THE SUPERINTENDENT OF PRISON,
DISTRICT PRISON, VIRUDHUNAGAR.

2 THE INSPECTOR OF POLICE,
MELAVALLAVU POLICE STATION,
MADURAI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.4558 of 2021

Date :23/03/2021

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