



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/04/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.5123 of 2021

Karthick

... Petitioner/1st Accused

Vs

The State rep.by,
The Inspector of Police,
Alanganallur Police Station,
Madurai District
Crime No.93/2021.

... Respondent/Complainant

For Petitioner : M/s.Porkodi Kannan, Advocate for
M/s.Polax Legal Solutions,

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

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

PRAYER :-

For Bail in Crime no. 93 of 2021 on the file of the
respondent Police.

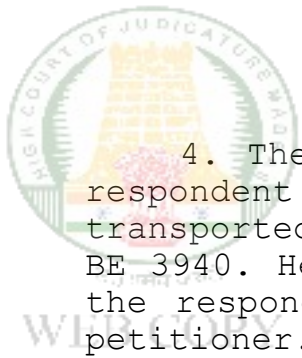
ORDER : The Court made the following order :-

The petitioner/A1, who was arrested on 11.03.2021 for the
offences punishable under Sections 379 of IPC and Section 21(1) of
Mines and Minerals (Development and Regulation) Act, 1957 in Crime
No.93 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner said to
have illegally transported 6 units of gravel sand without valid
permission from the authorities.

3.The learned counsel for the petitioner would submit that the
petitioner is only driver of the lorry and he is in judicial
custody for less than 25 days, hence he may be granted bail.

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



4. The learned Government Advocate(Crl.Side) appearing for the respondent would submit that the petitioner had illegally transported 6 units of gravel sand in a lorry bearing Reg. No. TN 63 BE 3940. He further submitted that the sand the lorry was seized by the respondent police and no previous case is pending against the petitioner.

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 and lorry was seized and also the fact that no previous case is pending against the petitioner, this Court is inclined to grant bail to the petitioner.

6. Accordingly, 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 Special District Court, Mines and Minerals (Development and Regulation) Act, Madurai and on further condition that:

[a] 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.

[b] the petitioner shall report before the respondent police daily at 10.30 am., until further orders.

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

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

[e] 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]**.

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

sd/-
08/04/2021

/ TRUE COPY /

/ /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 JUDGE,
SPECIAL DISTRICT COURT,
MINES AND MINERALS (DEVELOPMENT AND REGULATION) ACT,
MADURAI.
 - 2 THE INSPECTOR OF POLICE
ALANGANALLUR POLICE STATION,
MADURAI DISTRICT
 - 3 THE SUPERINTENDENT,
CENTRAL JAIL, MADURAI.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.POLAX LEGAL SOLUTIONS Advocate SR.No.2979

ORDER
IN
CRL OP(MD) No.5123 of 2021
Date :08/04/2021

NR/JC/SAR-II(08.04.2021) 3P:6C