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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/04/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.5853 of 2021

1.Sulthan
2.Alagarsamy
3.Duraipandi ... Petitioners/Accused No.2 to 4

Vs

State Rep. by
The Inspector of Police,
Keelavalavoo Police Station,
Madurai District.
Crime No.91/2021. ... Respondent/Complainant

For Petitioners : Mr.Amalan.Mp.S.,
Advocate.
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. 91/2021 on the file of the Respocdent Police.

ORDER : The Court made the following order :-

The petitioners, who was arrested on 11.04.2021 for the offences punishable under Section 379 IPC and Section 21(5) of the Mines and Minerals Development and Regulation Act in Crime No.91 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioners and other accused illegally taken one unit of sand from the fishing farm. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners is in custody from 11.04.2021 and there is no previous case pending against them.

4.The learned Government Advocate(Crl.Side) appearing for the respondent would submit that the petitioners have no previous case pending against them.

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5.Taking into consideration the facts and circumstances of the case and also taking note of the fact that there is no previous case against the petitioners and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only)each with two sureties, each for a like sum to the satisfaction of the learned Special Judge for Mines and Minerals, Madurai and on further condition that:

[a]the petitioners 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.

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

[c]the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d]the petitioners shall not abscond 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 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].**

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

sd/-
23/04/2021

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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.

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TO

1.THE SPECIAL JUDGE FOR MINES AND MINERALS,
MADURAI.

2.THE INSPECTOR OF POLICE,
KEELAVALAVOO POLIC E STATION,
MADURAI DISTRICT.

3.THE SUPERINTENDENT,
SUB JAIL, VIRUDHUNAGAR.

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

ORDER
IN
CRL OP(MD) No.5853 of 2021
Date :23/04/2021

GNS
JM/VR/SAR III/23.04.2021/3P/5C

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