



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

Date : 11/06/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.6020 of 2021

Pandian @ Pandi

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Elumalai Police Station,
Madurai District.
Crime No.85 of 2021).

... Respondent/Complainant

For Petitioner : Mr.R.Manickam,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :- for Bail in Crime No.85 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested on 20.03.2021 for the offences punishable under Section 379 of IPC read with Section 25(5) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.85 of 2021, on the file of the respondent police, seeks bail.

2.It is seen from the submissions made that on 20.03.2021, at about 12.45 p.m., the petitioner was found taking sand from Ezhumalai Periyakulam Kanmai and therefore, this case came to be registered.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution. He further submitted that the petitioner is in judicial custody for the past 82 days and therefore, he seeks bail.



4.The learned Government Advocate(Criminal Side) opposed this petition on the ground that investigation is not completed and the petitioner has two similar previous cases pending against him.

5.Taking note of the fact that the witnesses in this case are official witnesses and also the fact that the petitioner is in judicial custody for the past 82 days, this Court is inclined to grant bail to the petitioner with conditions.

6.Accordingly, the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the Jail Authority. The petitioner after his release shall surrender before the concerned Judicial Magistrate voluntarily on any working day within a period of one month from the date of resumption of regular work in the Subordinate Courts and 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 Special District Court to deals with the cases of offences in Contravention of Provisions of Mines and Minerals (D & R)Act, Madurai. On such execution of bond before the concerned Magistrate, the own bond executed before the Jail Authority shall stand cancelled automatically.

i)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.

(ii)the petitioner is directed to deposit a sum of Rs.**10,000/- (Rupees Ten Thousand only) to the credit of Government of Tamil Nadu, CMPRF in IOB**, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172), within a period of two weeks without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the Special District Court to deals with the cases of offences in Contravention of Provisions of Mines and Minerals (D & R)Act, Madurai.

iii)the petitioner shall report before the respondent police daily at 10.30 am., until further orders.

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

v)the petitioner shall not abscond during trial.

vi)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.R.Shaji vs. State of Kerala [(2005)AIR SCW 5560].



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

sd/-

11/06/2021

/ TRUE COPY /

WEB 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 SPECIAL DISTRICT COURT TO DEALS WITH THE
CASES OF OFFENCES IN CONTRAVENTION OF PROVISIONS OF
MINES AND MINERALS (D & R) ACT, MADURAI.

2. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

3. THE INSPECTOR OF POLICE,
ELUMALAI POLICE STATION,
MADURAI DISTRICT.

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

COPY TO:

THE OFFICER INCHARGE,
CHIEF MINISTER PUBLIC RELIEF FUND,
GOVERNMENT OF TAMIL NADU,
SECRETARIAT, CHENNAI - 9.

ORDER

IN

CRL OP(MD) No.6020 of 2021

Date : 11/06/2021

Ls

AE/AKM/SAR-III/11.06.2021/3P/6C