



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

Date : 30/04/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.6213 of 2021

Karthick

... Petitioner/Accused No.2

Vs

State Rep.by
The Inspector of Police,
Sholavandan Police Station,
Madurai District.
(Crime No.107 of 2021)

... Respondent/Complainant

For Petitioner : M/s.M.Pitchai Muthu,
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.107 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who was arrested on 09.04.2021 for the offences punishable under Sections 379 & 430 IPC r/w Section 21(5) of the Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.107 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and other accused said to have illegally transported 18 gunny bags of sand by using two wheeler bearing registration No.TN 58 M 6670. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he is in custody from 09.04.2021. Hence, he would pray for granting bail to the petitioner.

4.The learned Government Advocate(Crl.Side) appearing for the respondent submitted that the sand and the vehicle was recovered.

5.Taking into consideration the facts and circumstances of the case and also the fact that the petitioner is in judicial custody



from 09.04.2021, 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 learned Special District Court to deal with the cases of offence in contravention of the provisions of the Mines and Minerals (D&R) 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]**.

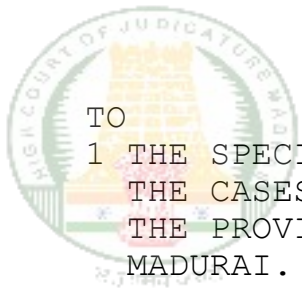
[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
30/04/2021

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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.



TO

1 THE SPECIAL DISTRICT JUDGE TO DEAL WITH
THE CASES OF OFFENCE IN CONTRAVENTION OF
THE PROVISIONS OF THE MINES AND MINERALS (D&R) ACT,
MADURAI.

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

3 THE SUPERINTENDENT, CENTRAL PRISON,
MADURAI.

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

ORDER

IN

CRL OP(MD) No.6213 of 2021

Date : 30/04/2021

GNS

MS/VR/SAR-4/30.04.2021/3P.5C