



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/05/2021

PRESENT

The Hon`ble Mr.Justice G.ILANGOVAN

CRL OP(MD) . No.6872 of 2021

Ganesan

... Petitioner/ Accused No.2

Vs

The State Rep. by
The Inspector of Police,
Usilampatty Taluk Police Station,
Madurai District.
Crime No.90/2021.

... Respondent/Complainant

For Petitioner : Mr.Praveen Kumar
For Respondent : Mr.M.Muthu Manickam,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.90 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested on 28.04.2021 for the offences punishable under Section 379 of IPC and Section 21(1) & 21(5) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.90 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner is said to have illegally transported 1 unit of odai sand without valid permission from the authorities.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case and he is in judicial custody from 28.04.2021, hence he may be granted bail.

4. The learned Government Advocate(Crl.Side) appearing for the respondent would submit that the petitioner had illegally



transported 1 unit of odai sand in a tractor. He further submitted that there is no previous case 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 there is no previous case 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 learned Judicial Magistrate No.1, Usilampatty, Madurai District 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.

[g] In view of the pandemic situation, cash surety is not ordered. This should not be taken as a precedent.

Sd/-
19/05/2021

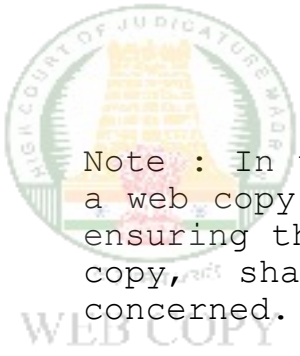
/ TRUE COPY /

/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

MR/NS

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



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 JUDICIAL MAGISTRATE NO.1, USILAMPATTY, MADURAI DISTRICT.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE, USILAMPATTY TALUK POLICE STATION, MADURAI DISTRICT.
4. THE OFFICER INCHARGE, SUB JAIL, PALANI.
5. THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER MADE
IN
CRL OP(MD) No.6872 of 2021
Date : 19/05/2021

VB JC SAR IV(21/05/2021) 3P / 6c