



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

Date : 19/05/2021

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.6846 of 2021

Krishnan @ krishnasamy

... Petitioner/Accused No.6

Vs

State rep.by its.,
The Sub Inspector of Police,
Saptur Police Station,
Madurai District.
Crime No.66/2021.

... Respondent/Complainant

For Petitioner : Mr.T.Palanisamy,
Advocate.

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.66 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner is in custody from 01.05.2021 for the offences under Sections 143, 188, 353, 506(i), 379 IPC r/w Sections 4(1)(1A) and 21(1) of Mines and Minerals Development and Regulation At, 1957 in Crime No.66 of 2021 on the file of the respondent police. He seeks bail.

2. The case of the prosecution is that without valid permission the petitioner has committed theft of sand at Anaikkaraipatti without prior permission or license from the Government.

3.The learned counsel for the petitioners would submit that the petitioner is nothing to do with the alleged occurrence and he is falsely implicated in this case.

4. The learned Government Advocate appearing on behalf of the respondent police submits that there is no previous case pending against the petitioner.



5. Considering the period of incarceration of the petitioner, considering the fact that there is no previous case pending against the petitioner and considering the present pandemic situation, this Court is inclined to grant bail to the petitioner with certain conditions.

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6. Accordingly, the petitioner is ordered to be released on bail on the following conditions:

i) the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, for a like sum to the satisfaction of the Special District Court to deal with the cases in contravention of the provisions of the Mines and Minerals (D & R) Act, Madurai.

ii) 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.

iii) The petitioner shall appear before the respondent police once in a week i.e on every Monday at 10.30 a.m until further orders.

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

v) the petitioners shall not abscond either during investigation or trial.

vi) 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 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]**.

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

sd/-
19/05/2021

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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.

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



TO

1. THE SPECIAL DISTRICT JUDGE
TO DEAL WITH THE CASES OF OFFENCES
IN CONTRAVENTION OF THE PROVISIONS OF
THE MINES AND MINERALS (D & R) ACT,
MADURAI.
2. THE SUB INSPECTOR OF POLICE,
SAPTUR POLICE STATION,
MADURAI DISTRICT.
3. THE OFFICER IN-CHARGE,
THE SUB JAIL, MELUR.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.6846 of 2021
Date :19/05/2021

MSA/CM
PK/VR/SAR-IV/20.05.2021 : 3P/5C