



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/05/2021

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.6925 of 2021

Ajith Kumar

... Petitioner/Accused No.2

Vs

The Inspector of Police,
Keelavalavu Police Station,
Madurai District.
(Crime No.106 of 2021).

... Respondent/Complainant

For Petitioner : Mr.Jegadeesh Pandian.M,
Advocate.

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

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

PRAYER :-

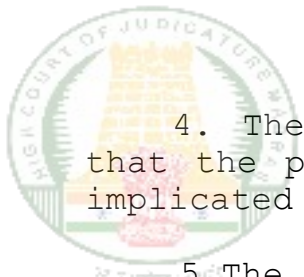
For Bail in Crime No.106 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioner is arrayed as accused No.2. He was arrested and remanded to Judicial Custody on 01.05.2021 for the offences punishable under sections 379 of I.P.C., and Section 21(5) of Mines and Minerals (Development and Regulation) Act, in Crime No.106 of 2021 on the file of the respondent police. He seeks bail.

3. The case of the prosecution is that on 09.05.2021, the petitioner had illegally transported sand by using three vehicles. Hence the complaint.



4. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case.

5. The learned Additional Public Prosecutor appearing for the respondent Police submitted that there is no previous case pending against the petitioner.

6. Considering the present pandemic situation, security deposit is not ordered. But this order will not be taken as precedent. Considering the period of incarceration of the petitioner, this Court is inclined to grant bail to the petitioners with certain conditions.

7. 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, each for a like sum to the satisfaction of the Special District Judge for Mines and Minerals (Development and Regulation) Act Cases, Madurai.

[ii] the petitioner 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.

[iii] the petitioner shall report before the respondent police for interrogation, as and when required.

[iv] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[v] the petitioner 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 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].

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

sd/-
20/05/2021

/ TRUE 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 JUDGE FOR MINES AND MINERALS
(DEVELOPMENT AND REGULATION) ACT CASES,
MADURAI.
2. THE INSPECTOR OF POLICE,
KEELAVALLAVU POLICE STATION,
MADURAI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
4. THE OFFICER INCHARGE,
SUB JAIL, MELUR.

ORDER
IN
CRL OP(MD) No.6925 of 2021
Date :20/05/2021

RMI/PKN
TE/MNR/SAR-IV : 21/05/2021 : 3P/5C