



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

Date : 23/06/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.7698 of 2021

Sebastin

... Petitioner/Sole Accused

Vs

State Rep. by
The Inspector of Police,
Lalgudi Police Station, Trichy.
Crime No.494 of 2021.

... Respondent/Complainant

For Petitioner : Mr.Ganapathi Subramanian.P,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No.494 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested on 02.06.2021 for the offences punishable under Sections 379 of IPC r/w.Section 21(1) of Mines and Minerals (Development and Regulation)Act, 1957 in Crime No.494 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that when the respondent police was engaged in prevention of offences relating to mines and minerals on 02.06.2021 they found petitioner illegally transporting 10 bags of river sand in bags each containing 50kgs in an auto bearing Reg. No. TN 48 AV 3944. Further he has also stocked 40 bags of river sand, therefore the case came to be registered.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 02.06. 2021, hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent police opposed this petition on the ground that the petitioner is having two previous cases of similar nature in Crime No.66 of 2019 and 62 of 2019.



5. Taking into consideration all these facts and also considering the period of incarceration and also the fact that the material witnesses are only official witnesses and also the quantity of the sand alleged to have been transported, 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, Lalgudi, Trichy District and on further condition that

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 Madras High Court Madurai Bench, Advocate Clerk's Welfare Association, Madurai-625 023 (Indian Bank Saving Account No.496039124, IFSC Code: IDIB000H040), without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties.

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.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/-
23/06/2021

/ 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.

WEB COPY

- TO
- 1 THE JUDICIAL MAGISTRATE,
LALGUDI, TRICHY DISTRICT.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
 - 3 THE INSPECTOR OF POLICE,
LALGUDI POLICE STATION, TRICHY.
 - 4 THE OFFICER INCHARGE,
SUB JAIL, MUSIRI,
TRICHY DISTRICT.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE OFFICER INCHARGE,
ADVOCATE CLERK'S WELFARE ASSOCIATION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI-625 023.

ORDER
IN
CRL OP(MD) No.7698 of 2021
Date :23/06/2021

aav
JM/PN/SAR IV/23.06.2021/3P/7C