



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 06/07/2021

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PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.8826 of 2021

Pramoth ... Petitioner/Sole Accused

Vs

State rep by  
The Sub Inspector of Police,  
Perungudi Police Station,  
Madurai District.  
Crime No. 150 of 2021.

... Respondent/Complainant

For Petitioner : Mr.Muniyandi.S,  
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.150 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. 21(1) of Mines and Minerals (Development and Regulation) Act. 1957 in Crime No.150 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 02.06.2021 at about 5.30a.m., when the respondent police conducted vehicle search near Aruppukottai junction they saw a Mahindra Mini Van bearing Reg.No.TN 76 K 3280. The police stopped the vehicle and apprehended the petitioner herein. On search they found this vehicle contained sand without any permission, therefore this 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 seek bail.



4. The learned Additional Public Prosecutor appearing for the respondent police opposed this petition on the ground that the investigation is not yet completed. He would further submit that two previous cases of similar nature are pending against the petitioner in Crime Nos. 276 of 2019 and 523 of 2019.

5. In the case before hand it is seen that the allegation against the petitioner is that he was found in illegal possession of sand without any permission. Further the two previous cases pending against the petitioner relate to the year 2019.

6. 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, this Court is inclined to grant bail to the petitioner.

7. 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 Special District Court to deal with the cases of offences in Contravention of the provisions of the Mines and Minerals (D&R) Act, Madurai 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 credit of Coimbatore Advocate Clerk Welfare Association, District Court Branch, Coimbatore (SB Account No.170801000018467, IFSC Code: IOBA0001708), 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.

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Sd/-  
06/07/2021

/ TRUE COPY /

/ /2021

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

AAV

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 JUDGE,  
SPECIAL DISTRICT COURT 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,  
PERUNGUDI POLICE STATION,  
MADURAI DISTRICT.
3. THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE OFFICER INCHARGE,  
COIMBATORE ADVOCATE CLERK WELFARE ASSOCIATION,  
DISTRICT COURT BRANCH, COIMBATORE.

ORDER  
IN  
CRL OP (MD) No.8826 of 2021  
Date : 06/07/2021