



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 17/08/2021

PRESENT

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The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.11652 of 2021

Alagan ... Petitioner/Accused No.1

Vs

The State rep.by,
The Inspector of Police,
Saptur Police Station, Madurai District.
Crime No.2050/2020. ... Respondent/Complainant

For Petitioner : Mr.T.Palanisamy, Advocate.
For Respondent : Mr.T.Senthilkumar,
Government Advocate (Crl.Side)

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

PRAYER :-For Bail in Crime No.2050 of 2020 on the file of the Respondent police.

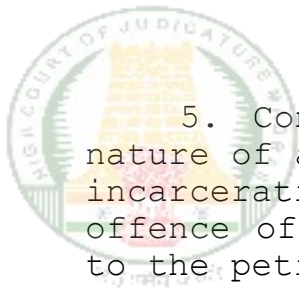
ORDER : The Court made the following order :-

The petitioner/A1, who was arrested on 27.07.2021 for the offences punishable under Section 379 of IPC r/w. 4(1)(1A), 21(1) of Mines and Minerals Development and Regulation Act 1957, in Crime No.2050 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 12.12.2020 at about 4.30 a.m., the respondent, on secret information, conducted a surprise visit at Annaikaripatti near Karuvadu dam and found illegal transportation of 3/4 unit of odai sand in a Tractor and Trailer. On seeing the Police, all the accused ran away. Thereafter, on 27.07.2021, the petitioner was arrested and remanded to the judicial custody.

3. The learned counsel for the petitioner submits that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution.

4. The learned Government Advocate (Crl. Side) submits that the petitioner is involved in four previous cases, out of which, two cases are disposed of. The other two cases pending against the petitioner are not similar in nature of this offence. He further
[~~https://hcmis.courts.mha.gov.in/tcse/~~](https://hcmis.courts.mha.gov.in/tcse/) investigation is yet to be completed.



5. Considering the facts and circumstances of the case, the nature of allegations levelled against the petitioner, the period of incarceration and the fact that the petitioner has not involved any offence of similar in nature, this Court is inclined to grant bail to the petitioner.

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6. Accordingly, this Criminal Original Petition is ordered. The petitioner is directed 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 Mines and Minerals (Development and Regulation) Act, Madurai, and on further conditions 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 file an undertaking affidavit in Tamil that he will not indulge in any such offence in future, before the concerned Judicial Magistrate as well as before the concerned Police Station. On filing the undertaking affidavit, the concerned Judicial Magistrate shall accept the sureties. The undertaking affidavit should be attested by the concerned Superintendent of Jail authority.**

[c] the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

[d] the petitioner shall not abscond either during investigation or trial.

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

[f] 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]**.

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

sd/-

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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 JUDGE,
THE SPECIAL DISTRICT COURT TO DEAL WITH THE CASES OF OFFENCES IN
CONTRAVENTION OF THE PROVISIONS OF MINES AND MINERALS (DEVELOPMENT
AND REGULATION) ACT,
MADURAI

2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

3 THE INSPECTOR OF POLICE
SAPTUR POLICE STATION, MADURAI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.11652 of 2021
Date :17/08/2021

OGY
MK/VR/SAR.I/17.08.2021/3P/5C