



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/08/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.12477 of 2021

Thangavel

... Petitioner/Accused No.2

Vs

The State rep.by
The Inspector of Police
Pudhupatti Police Station
Virudhunagar District
(Crime.No.119 of 2021).

... Respondent/Complainant

For Petitioner : Mr.SIVAKUMAR RAJAPPAN,
Advocate.

For Respondent : Mr.E.ANTONY SAHAYA PRABAHAR,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.119 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested on 30.07.2021 for the offences punishable under Sections 379 and 353 I.P.C r/w 22(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.119 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with five others has illegally transported 4 units of gravel soil by using a tipper lorries bearing Registration Nos. TN-58-AT-3908 and TN-61-A-6673.

3.The learned counsel for the petitioner submits that the petitioner is an innocent, he has not committed any offence as alleged by the prosecution, but he has been falsely implicated in this case. He further submits that the petitioner is in judicial custody from 30.07.2021 and hence, he prays for grant of bail.



4.The learned Government Advocate (Crl. Side) appearing for the respondent police submits that the co-accused are yet to be apprehended. He further submits that the final report is yet to be filed.

5.Considering the nature of mineral involved, the antecedents of the petitioner and also the period of incarceration, this Court is inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is allowed and 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 Judicial Magistrate NO.2, Sivakasi 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 report before the respondent Police Station daily at 10.30 am. until further orders.

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

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

[e] 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]**.

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

sd/-
27/08/2021

/ 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 JUDICIAL MAGISTRATE NO. 2
SIVAKASI.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE OFFICER INCHARGE
SUB JAIL, SRIVILLIPUTHUR,
VIRUDHUNAGAR DISTRICT.
4. THE INSPECTOR OF POLICE
PUDHUPATTI POLICE STATION
VIRUDHUNAGAR DISTRICT
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.12477 of 2021

Date : 27/08/2021

SA/VR/SAR.4/27.08.2021/3P/6C