



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

Date : 13/09/2021
PRESENT

WEB COPY

The Hon'ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.13158 of 2021

Palanivel

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Manamelkudi Police Station
Pudukkottai District
(Crime.No.496 of 2021).

... Respondent/Complainant

For Petitioner : Mr.R.PRASANNA
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.496 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested on 30.08.2021 for the offence punishable under Sections 379 I.P.C r/w 21(1), 21(2) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.496 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner has illegally transported 1/4 unit of river sand by using a bullock cart.

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 and he is languishing in jail for the past 14 days. The petitioner is also ready to file an undertaking affidavit before the respondent police as well as before the trial Court that he will not indulge in any other offences in future. Hence, he seeks for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) appearing for the

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respondent police submits that the petitioner is having two previous cases of similar in nature. 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 his readiness to file an undertaking affidavit before the respondent police as well as before the trial Court that he will not indulge in any other offences in future 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 learned Judicial Magistrate, Aranthangi 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 daily at 10.30 am. until further orders.

[c] the petitioner shall file an undertaking affidavit before the respondent police as well as before the trial Court that he will not indulge in any such offence in future.

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

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

[g] 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]**.

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

sd/-

13/09/2021

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/ /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
ARANTHANGI.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
3. THE OFFICER INCHARGE
SUB-JAIL, THIRUMAYAM, PUDUKKOTTAI DISTRICT.
4. THE INSPECTOR OF POLICE,
MANAMELKUDI POLICE STATION
PUDUKKOTTAI DISTRICT
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.13158 of 2021

Date :13/09/2021

SA/PN/SAR.1/13.09.2021/3P/6C