



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )  
Date : 17/09/2021

PRESENT

**The Hon`ble Mr.Justice B.PUGALENDHI**

CRL OP(MD). No.13797 of 2021

1.Lakshmanan  
2.Alexpandian

... Petitioners/Accused Nos.7 and 8

Vs

The State rep.by,  
The Inspector of Police,  
Peraiyur Police Station,  
Madurai District.  
Crime No.266 of 2021.

... Respondent/Complainant

For Petitioners : Mr.D.S.Haroon Rasheed. Advocate.

For Respondent : Mr.T.Senthilkumar,  
Additional Public Prosecutor.

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

PRAYER :-For Bail in Crime No. 266 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who were arrested on 18.08.2021 for the offence punishable under Section 379 IPC and Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.266 of 2021 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners along with other accused have illegally transported one unit of odai sand by using tractor and trailer. Hence, the complaint.

3.The learned counsel for the petitioners submits that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. They are inside the prison from 18.08.2021 and hence, he seeks for grant of bail.

4.The learned Additional Public Prosecutor appearing for the respondent police opposed for grant of bail on the ground that the investigation is yet to be completed. He further submits that that the first petitioner is having one previous case to his credit and the second petitioner is not having any bad antecedents.

5.The learned counsel for the petitioners further submits that the first petitioner/A7 will not indulge in any such offence in the future.



future. He is also ready to file an undertaking affidavit to that effect before the respondent police as well as before the trial Court.

6. Considering the nature of mineral involved, the antecedents of the petitioners, the first petitioner's/A7's readiness to file an undertaking affidavit and the period of incarceration, this Court is inclined to grant bail to the petitioners.

7. Accordingly, this Criminal Original Petition is ordered. The petitioners are directed to be released on bail on their executing a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) each with two sureties each for a like sum to the satisfaction of the learned Special Court for Mines and Minerals (Development and Regulation) Act 1957 cases, Madurai and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Judge may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] The first petitioner/A7 shall file an undertaking affidavit in Tamil that he will not indulge in any such offence in future, before the respondent police as well as before the trial Court. On filing the undertaking affidavit, the concerned Judge shall accept the sureties.

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

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

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

[f] On breach of any of the aforesaid conditions, the learned Judge/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Judge/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 abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-  
17/09/2021

/ 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 JUDGE,  
SPECIAL COURT FOR MINES AND MINERALS  
(DEVELOPMENT AND REGULATION) ACT,  
1957 CASES, MADURAI.
- 2 THE INSPECTOR OF POLICE  
PERAIYUR POLICE STATION, MADURAI DISTRICT.
- 3 THE OFFICER INCHARGE,  
SUB JAIL, VIRUTHUNAGAR.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER  
IN  
CRL OP(MD) No.13797 of 2021  
Date :17/09/2021

MSA  
MK/VR/SAR.I/17.09.2021/3P/5C