



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 20/09/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.13907 of 2021

Suresh

... Petitioner/Accused No.1

Vs

The State rep.by
The Inspector of Police,
Pazhavor Police Station
Tirunelveli District
Crime No.232 of 2021

... Respondent/Complainant

For Petitioner : Mr.M.R.SREENIVASAN,
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.232 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested on 01.09.2021 for the offence under Section 379 I.P.C and Section 21(1) of Tamil Nadu Mines and Minerals (Development and Regulation) Act, 1957, in Crime.No.232 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner has illegally transported one unit of red soil by using 407 tempo vehicle. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He further submits that the petitioner is inside the prison from 01.09.2021 and hence, he prays for grant of bail.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioner is not having any

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bad antecedent and the investigation in this case is yet to be completed.

5.Considering the nature of mineral involved, the antecedents of the petitioner and 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.25,000/- (Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Valliyoor 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 Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner shall appear before the respondent police as and when required for interrogation.

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

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

[e] On breach of any of the aforesaid conditions, the learned Judge/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 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]**.

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

sd/-

20/09/2021

/ 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 JUDICIAL MAGISTRATE
VALLIYOOR.

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.



3.THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

4.THE INSPECTOR OF POLICE,
PAZHAVOOR POLICE STATION
TIRUNELVELI DISTRICT

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

+1. CC to Mr.M.R.SREENIVASAN, Advocate SR.No.6367

ORDER

IN

CRL OP(MD) No.13907 of 2021

Date :20/09/2021

SA/VR/SAR.2/20.09.2021/3P/7C