



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 05/10/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.15030 of 2021

1.Perumal
2.Jeyakodi

... Petitioners/Accused Nos.1 & 2

Vs

The State rep.by
The Inspector of Police,
Peraliyur Police Station
Madurai District
(Crime No.280 of 2021)

... Respondent/Complainant

For Petitioners : Mr.R.BALAMURUGANANTHAM,
Advocate.

For Respondent : Mr.T.SENTHIL KUMAR,
Additional Public Prosecutor(crl.side)

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

PRAYER :-

For Bail in Crime No.280 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2, who were arrested on 14.09.2021 for the offence under Section 379 IPC r/w 21(1) Mines & Minerals (Development and Regulation) Act, 1957, in Crime No.280 of 2021 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the accused persons have illegally transported ½ unit of Odai sand by using a Bullock Cart. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocents, they have not committed any offence as alleged by the prosecution, they are in jail from 14.09.2021 and hence, he seeks for grant of bail.

4. The learned Additional Public Prosecutor appearing for the respondent police would submit that ½ unit of odai sand was illegally transported by the petitioners. The investigation is yet



to be completed. He would further submit that the first petitioner is having one previous case and there is no adverse antecedent as against the second petitioner.

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

6. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered 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 to deal with the cases of offences in Contravention of the Provisions of the Mines and Minerals (Development and Regulation) Act, 1957, Madurai District and on further condition 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 first petitioner shall 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.

[c] the petitioners shall appear before the respondent police as and when required for interrogation.

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

[e] the petitioners shall not abscond 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 abscond, a fresh FIR can be registered under Section 230-A IPC.

sd/-

05/10/2021

/ 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 TO DEAL WITH THE CASES OF
OFFENCES IN CONTRAVENTION OF THE PROVISIONS
OF THE MINES AND MINERALS (DEVELOPMENT AND REGULATION)
ACT, 1957, MADURAI, MADURAI DISTRICT.
2. THE SUPERINTENDENT
CENTRAL PRISON, MADURAI, MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
PERAIYUR POLICE STATION
MADURAI DISTRICT
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.15030 of 2021

Date : 05/10/2021

SA/SKN/SAR.1/05.10.2021/3P/5C