



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.15122 of 2021

Muralimanoharan

... Petitioner/Accused No.1

Vs

The State rep.by
The Inspector of Police,
Sankaralingapuram Police Station
Tuticorin District
(Crime No.151 of 2021).

... Respondent/Complainant

For Petitioner : Mr.K.KUMARAVEL,
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.151 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested on 23.09.2021 for the offence punishable under Section 379 IPC r/w Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.151 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner along with other accused has illegally transported six units of gravel in a lorry bearing Registration No.TN-67-BW-1116. Hence, the complaint.

3.The learned counsel for the petitioner submits that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He is inside the prison from 23.09.2021 and hence, he prays for grant of bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the the investigation is yet to be completed. The co-accused in this case has been granted anticipatory bail by this Court in Crl.OP(MD).No.14689 of 2021 on 30.09.2021. He



further submits that there is no adverse antecedent as against the petitioner.

5. Considering the nature of mineral involved, the antecedents of the petitioner, the co-accused has already been granted anticipatory bail by this Court and also the period of incarceration, this Court is inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is ordered. The petitioner is directed 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, Vilathikulam, Tuticorin District 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 as and when required for interrogation.

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

[d]the petitioner shall not tamper with the 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/-

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 JUDICIAL MAGISTRATE
VILATHIKULAM, TUTICORIN DISTRICT.



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

3.THE OFFICER INCHARGE
SUB-JAIL, PERURANI,
TUTICORIN DISTRICT.

4.THE INSPECTOR OF POLICE,
SANKARALINGAPURAM POLICE STATION
TUTICORIN DISTRICT

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

+1. CC to Mr.K.KUMARAVEL, Advocate SR.No.6898

ORDER

IN

CRL OP(MD) No.15122 of 2021

Date :05/10/2021

SA/JM/SAR.1/05.10.2021/3P/7C