



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 06/10/2021
PRESENT

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The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.15250 of 2021

1.Vadivel
2.Thangamalai
3.Sureshpandi

.... Petitioners/Accused Nos.1 to 3

Vs

The State rep.by
The Inspector of Police,
T.Kallupatti Police Station
Madurai District
Crime No.262 of 2021

... Respondent/Complainant

For Petitioners : Mr.D.S.HAROON RASHEED
Advocate.

For Respondent : Mr.T.SENTHIL KUMAR
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.262 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 to A3, who were arrested on 22.09.2021 for the offence under Section 379 I.P.C and Section 4(1) (1A) and 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime.No.262 of 2021 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners and other accused have illegally transported three units of gravel soil by using a lorry bearing Registration No.TN-47-AT-5386. Hence, the complaint.

3.The learned counsel appearing for the petitioners submits that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. He further submits that the



petitioners are in jail from 22.09.2021 and hence, he seeks for grant of bail.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that that the investigation is yet to be completed. He would further submit that apart from this case, the petitioners are having two previous cases to their credits.

5. The learned counsel for the petitioners, in response, submits that the petitioners are ready to file an undertaking affidavit before the respondent police as well as before the trial Court that they will not indulge in any other offence in future.

6.Considering the nature of mineral involved, the submission that the petitioners are ready to file an undertaking affidavit and also the period of incarceration, this Court is inclined to grant bail to the petitioners.

7. 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 for Mines and Minerals (Development and Regulation) Act, 1957 cases, Madurai and on further condition 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 Aadhaar card or bank pass book to ensure their identity.

[b] the petitioners shall file an undertaking affidavit before the respondent police as well as before the trial Court that they will not indulge in any other offences in future.

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

[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 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]**.



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

sd/-
06/10/2021

/ TRUE COPY /

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

ORDER

IN

CRL OP(MD) No.15250 of 2021
Date :06/10/2021

SA/JM/SAR.2/06.10.2021/3P/5C