



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12.10.2021

WEB COPY

PRESENT

The Hon'ble Mrs.Justice S.ANANTHI

CRL OP(MD). No.15848 of 2021

Manikandan

... Petitioner/Accused No.1

Vs

State rep. by,
The Inspector of Police,
Jampunathapuram Police Station,
Trichy District.
(Crime.No.270 of 2021).

... Respondent/Complainant

For Petitioner : Mr.K.Prakash
Advocate.

For Respondent : Mr.Antony Sahaya Prabhakar
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.270 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No.1 herein, who was arrested on 22.09.2021 for the alleged offence under Sections 379 I.P.C r/w 21 (1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.270 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner has illegally transported 1/4 unit of river sand by using a Tipper.

3.The learned counsel for the petitioner submits that the petitioner is innocent, he has not committed any offence as



alleged by the prosecution and he is languishing in jail for the past 15 days. The petitioner is also ready to 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. However, to show his bona fide, the petitioner has come forward to pay a sum of Rs.2,000/- to the credit of Chief Minister's Public Relief Fund. Hence, he seeks for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) appearing for the respondent police submits that the petitioner is having no previous case. He would further submit that totally there are three accused in this case and the petitioner is A1. He further submits that the final report is yet to be filed.

5.Considering the nature of mineral involved, the antecedents of the petitioner and his readiness to 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, his willingness to pay a sum of Rs.2,000/- to the credit of Chief Minister's Public Relief Fund and also the period of incarceration, this Court is inclined to grant bail to the petitioner.

6.Accordingly, this criminal original petition is allowed on condition that the petitioner shall pay a sum of Rs.2,000/- (Rupees Two Thousand only) to the credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172), without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate, Thuraiyur, Trichy District.

7. Accordingly, this Criminal Original Petition is allowed and on production of such receipt/acknowledgment, 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, Thuraiyur 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 daily at 10.30 A.M. for a period of one month.

[c] the petitioner shall file an undertaking affidavit before the respondent police as well as before the trial Court that he will not indulge in any such offence in future.

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



[E] the petitioner shall not tamper with evidence or witness 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 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]**.

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

sd/-
12/10/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TM/NSR

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, Thuraiyur.
2. do through
The Chief Judicial Magistrate,
Trichy.
3. The Superintendent, Central Prison,
Trichy.
4. The Inspector of Police,
Jampunathapuram Police Station,
Trichy District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



Copy to
The Officer Incharge,
Chief Ministers Public Relief Fund,
Finance(CMPRF) Department,
Government of Tamil Nadu,
Secretariat, Chennai 600 009.

ORDER IN
CRL OP(MD) No.15848 of 2021
Date : 12.10.2021

TR/PN/SAR-II(12.10.2021) 4P 7C