



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 12.11.2021

PRESENT

The Hon'ble Mr. Justice **K.MURALI SHANKAR**

CRL OP(MD) . No.17594 of 2021

WEB COPY

Eswaran ... Petitioner/Accused No.1

Vs

The State Rep.by
The Inspector of Police,
Peraliyur Police Station,
Madurai District. ... Respondent/Complainant
(Crime No.266 of 2021)

For Petitioner : Mr.S.Vikram,
Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.266 of 2021 on the file of the respondent police.

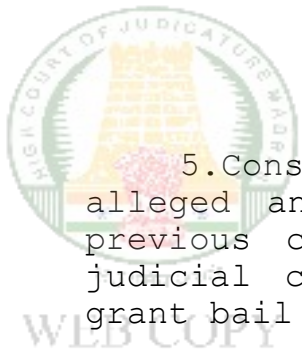
ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 24.10.2021 for the offences punishable under Sections 379 IPC r/w 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.266 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and other accused have illegally transported one unit of Odai sand by using Tractor bearing Registration No.TN-32-T-4358. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the co-accused were already granted anticipatory bail by this Court in Crl.O.P.(MD) No.12278 of 2021 on 26.08.2021 and the petitioner is in judicial custody from 24.10.2021. Hence, he seeks for grant of bail.

4.The learned Additional Public Prosecutor for the respondent police strongly opposed this petition on the ground that the petitioner is having six previous cases, out of which, five cases are similar in nature.



5.Considering the seriousness and gravity of the offence alleged and also the facts that the petitioner is having five previous cases of similar nature and that the petitioner is in judicial custody from 24.10.2021, this Court is not inclined to grant bail to the petitioner at that point of time.

6.Accordingly, this Criminal Original Petition is dismissed.

sd/-

12/11/2021

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/ /2021

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

SJI

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 Inspector of Police,
Peraiyur Police Station,
Madurai District.

2. The Superintendent, Central Prison, Madurai.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.17594 of 2021

Date :12/11/2021

RD/JM/SAR-IV (19.11.2021) 2P 4C