



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

Date : 19.11.2021

PRESENT

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

CRL OP(MD). No.18129 of 2021

Praveen

... Petitioner/Accused No.1

Vs

The State Rep.by
The Inspector of Police,
Vallathirakkottai Police Station,
Pudukkottai District.
(Crime NO.201 of 2021)

... Respondent/Complainant

For Petitioner : Mr.D.Rameshkumar
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.201 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 03.11.2021 for the offences punishable under Section 379 of IPC r/w Sections 21(1) and 21(2) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.201 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 ¼ unit of river sand by using vehicle bearing Registration No.TN-69-F-9997. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is the owner of the vehicle and that he is innocent and he has been falsely implicated in this case. He would further submit that the petitioner's family alone had remitted Rs.60,000/- on behalf of the second accused as imposed by the Principal Sessions Court, Pudukkottai. However, he would further submit that the petitioner, without prejudice to his right, is ready to deposit the amount that may be imposed by this Court.



4.The learned Additional Public Prosecutor appearing for the respondent police would submit that $\frac{1}{4}$ unit of river sand was illegally transported by the petitioner and that the petitioner is having one previous case of similar in nature.

5.Considering the nature of the offence alleged, the antecedents of the petitioner and also the period of incarceration, this Court is inclined to grant bail to the petitioner on certain conditions.

6.Accordingly, 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 No.I, Pudukkottai 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 petitioner shall pay a sum of **Rs.20,000/- (Rupees Twenty Thousand only)** to the credit of the District Mineral Foundation Trust, Pudukkottai District, without prejudice to his rights and contentions before the trial Court. The petitioner shall execute the sureties on showing the receipt of the said amount.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of one month and thereafter as and when required for interrogation.

[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.

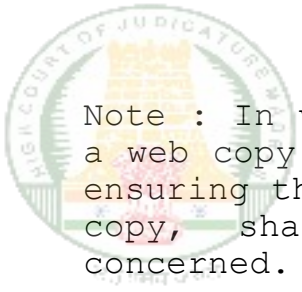
[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

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

sd/-
19/11/2021

/ 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.

WEB COPY

TO

1. THE JUDICIAL MAGISTRATE NO.I, PUDUKKOTTAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
3. THE INSPECTOR OF POLICE,
VALLATHIRAKKOTTAI POLICE STATION,
PUDUKKOTTAI DISTRICT.
4. THE OFFICER INCHARGE,
DISTRICT PRISON, PUDUKKOTTAI.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE OFFICER INCHARGE,
DISTRICT MINERAL FOUNDATION TRUST,
PUDUKKOTTAI DISTRICT.

ORDER

IN

CRL OP(MD) No.18129 of 2021

Date :19/11/2021

SJI

MS/PN/SAR-4/19.11.2021/3P.7C