



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

Date : 08.12.2021

PRESENT

WEB COPY

The Hon'ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD)No.18690 of 2021

ESWARAN

... PETITIONER/ACCUSED NO.1

VS

THE STATE REP. BY,
THE INSPECTOR OF POLICE,
PERAIYUR POLICE STATION,
MADURAI DISTRICT.
(CRIME NO.266 OF 2021).

... RESPONDENT/COMPLAINANT

For Petitioner : Mr.S.Vikram, Advocate
For Respondent : Mr.RMS.Sethuraman,
Additional Public Prosecutor

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

PRAYER :-

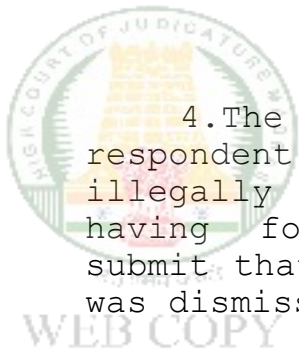
For Bail in Crime No.266 of 2021 on the file of the Respondent Police.

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 Section 379 of IPC r/w Section 21(1) of the 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 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. 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 one unit of Odai sand was illegally transported by the petitioner and that the petitioner is having four previous case of similar in nature. He would further submit that the petitioner earlier filed bail petition and the same was dismissed by this Court on 12.11.2021.

5.Considering the fact that the co-accused were already granted anticipatory bail by this Court 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 Special Court to deal with the case of offence in contravention of the provision of the Mines and Minerals (D&R) Act, 1957, Madurai 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.30,000/- (Rupees Thirty Thousand only)** to the credit of the District Mineral Foundation Trust, Madurai 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/-
08/12/2021

/ 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 SPECIAL JUDGE,
SPECIAL COURT TO DEAL WITH THE CASE OF OFFENCE
IN CONTRAVENTION OF THE PROVISION OF THE MINES
AND MINERALS (D&R) ACT, 1957, MADURAI.
2. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
3. THE INSPECTOR OF POLICE,
PERAIYUR POLICE STATION,
MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO :

THE OFFICER-INCHARGE,
DISTRICT MINERAL FOUNDATION TRUST,
MADURAI DISTRICT.

ORDER
IN
CRL OP(MD) No.18690 of 2021
Date :08/12/2021

gns
USK/VR/SAR-III/(08.12.2021) 3P-6C