



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/12/2021

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.19533 of 2021

Kulanthaivelu

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Avudaiyarkovil Police Station,
Pudukottai District.
(Crime No.421/2021).

... Respondent/Complainant

For Petitioner : M/s.Lenin Kumar.T,
Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.421 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 01.12.2021 for the offence punishable under Section 379 of IPC r/w Section 21 (1) and 21(2) of Mines and Minerals (Development and Regulation) Act, in Crime No.421 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner has illegally transported $\frac{1}{4}$ of unit of river sand by using Bullock Cart. Therefore, the present case came to be registered.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution, he has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 01.12.2021. Hence, he seeks bail to the petitioner.



4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioner is having one previous case and the detention order was going to be imposed upon the petitioner and the investigation is pending.

5.The process may take some time and that is totally unconnected with bail. But, however, the petitioner is involved in earlier case, he must file an undertaking affidavit before the concerned Court that he will not indulge in such activities in future.

6.Considering the above fact and also considering the fact that the petitioner is in judicial custody from 01.12.2021, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing a personal bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Aranthangi, and on further condition that the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

8.The petitioner must file an undertaking affidavit before the concerned Court that he will not indulge in such activities in future. If any violation is noticed, the bail granted by this Court, shall stand automatically cancelled, without further reference of this Court.

sd/-
17/12/2021

/ 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 Judicial Magistrate,
Aranthangi.
2. Do-Through The Chief Judicial Magistrate,
Pudukottai District.
3. The Officer In-charge,
Sub-Jail, Aranthangi.
4. The Inspector of Police,
Avudaiyarkovil Police Station,
Pudukottai District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1. CC to M/S. LENIN KUMAR.T Advocate SR.No.9438

ORDER

IN

CRL OP(MD) No.19533 of 2021

Date :17/12/2021

RS/VR/SAR4(17.12.2021) 3P-7C