



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/12/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.19653 of 2021

Viswanath @ Viswa

... Petitioner/Accused (Sole)

Vs

The State rep.by,
The Inspector of Police,
Thanjavur Taluk Police Station,
Thanjavur District.
(Crime No.1091/2021)

... Respondent/Complainant

For Petitioner : Mr.C.Senthil Murugan,
Advocate.

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

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

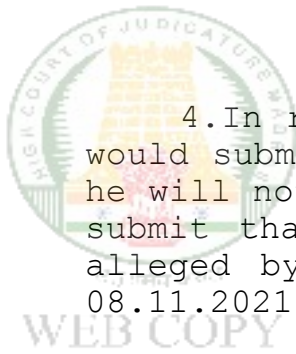
PRAYER :-For Bail in Crime No.1091 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who was arrested on 08.11.2021 for the offence under Sections 379 IPC r/w 21(1) of Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.1091 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the accused had illegally transported ¼ unit of river sand without valid permission in the vehicle. Hence the complaint.

3.The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioner is having one previous case of similar nature in Crime No.1091 of 2021 under sections 379 IPC r/w 21(1) of Mines and Minerals (Development & Regulation) Act, and other cases are also pending, which are not similar in nature. Out of which, one case is disposed of.



4. In response, the learned counsel appearing for the petitioner would submit that he is ready to file an undertaking affidavit that he will not indulge any kind of offence in future. He would further submit that he is an innocent and not committed any such offence alleged by the prosecution and the petitioner is in custody from 08.11.2021. Hence, he seeks bail.

5. Considering the period of incarceration undergone by the petitioner and his readiness to file an undertaking, this Court is inclined to grant bail to the petitioner with certain conditions.

6. In this regard, the petitioner shall file an undertaking affidavit before the trial Court that the petitioner will not indulge any offence in future. If any case is registered against the petitioner in further, the bail that has been granted in this case, is automatically cancelled without reference to this Court.

7. Further, the petitioner shall pay a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of the District Mineral Foundation Trust, Thanjavur, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the Judicial Magistrate No.II, Thanjavur.

8. On production of such receipt/acknowledgment and undertaking, 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 No.II, Thanjavur and on further condition that the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

sd/-
22/12/2021

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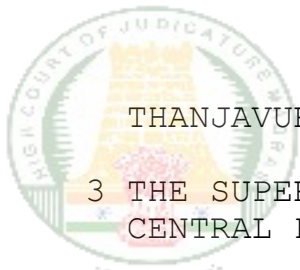
/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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 NO.II,
THANJAVUR.

<https://hcservices.ebar.gov.in/> CHIEF JUDICIAL MAGISTRATE,



THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

4 THE INSPECTOR OF POLICE
THANJAVUR TALUK POLICE STATION,
THANJAVUR DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:
THE OFFICER INCHARGE,
DISTRICT MINERAL FOUNDATION TRUST,
THANJAVUR.

ORDER
IN
CRL OP(MD) No.19653 of 2021
Date :22/12/2021

PNM
MK/PN/SAR.III/22.12.2021/3P/7C