



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 13/12/2021
PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.19741 of 2021

Dhivakar

... Petitioner/Accused No.2

Vs

The State rep.by,
The Inspector of Police,
Jeeyapuram Police Station, Trichy District.
(Crime No.548/2021)

... Respondent/Complainant

For Petitioner : Mr.S.Sathyachidambaram, 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.548 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused herein, who were arrested on 23.11.2021 for the alleged offence under Sections 379 of IPC and Section 21(4) of Mines and Minerals (Development and Regulation) Act, in Crime No.548 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and the other accused have illegally transported 1 of unit of river sand by using Bolero Pickup bearing Registration No.TN-46-H-0668. Therefore, the present case came to be registered.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. He would further submit the petitioner is in judicial custody from 23.11.2021 and A4 & A5 have also been granted anticipatory bail by this Court and A1 was arrested and released on bail. Hence, he seeks bail to the petitioner.

4. The learned Additional Public Prosecutor for the respondent police submitted that the petitioner and the other accused have illegally transported 1 of unit of river sand by using vehicle. He further submitted that the petitioner is having two previous cases. Among which, one case is similar in nature.



5.It appears that the petitioner is continuously indulged in illegal sand mining. Hence, the petitioner must file undertaking affidavit that he will not indulge in such sort of activities in future.

6.Considering the facts and circumstances of the case and also considering the fact that the petitioner is in judicial custody from 23.11.2021, that the quantity of the sand and that A4 & A5 have also been granted anticipatory bail by this Court and A1 was arrested and released on bail, this Court is inclined to grant bail to the petitioner.

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 No.III, Trichy, Trichy District, and on further condition that the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

8.After releasing from the prison, the petitioner must file undertaking affidavit before the concerned Court and a copy of the same must to be marked to the Registry.

sd/-

13/12/2021

/ 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 NO.III, TRICHY, TRICHY DISTRICT.
- 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
- 4 THE INSPECTOR OF POLICE
JEEYAPURAM POLICE STATION, TRICHY DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.19741 of 2021

Date :13/12/2021