



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

Date : 16/12/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP (MD) . No.20027 of 2021

Sivalingam

... Petitioner/Accused No.2

Vs

The state rep. By,
The Inspector of Police,
Sayalgudi Police Station,
Ramanathapuram District.
Crime No.462 of 2021.

... Respondent/Complainant

For Petitioner : Mr.K.Prakash,
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.462 of 2021 on the file of the
Respondent Police.

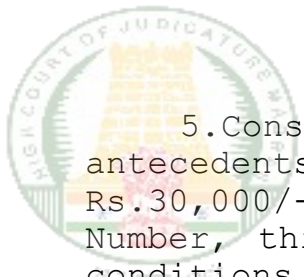
ORDER : The Court made the following order :-

The petitioner/Accused No.2 herein, who was arrested on
01.12.2021 for the alleged offence under Sections 379 r/w 21(1) of
Mines and Minerals (Development and Regulation) Act, 1957 in Crime
No.462 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that when the defacto
complainant on surveillance found the petitioner along with other
accused illegally transported two units of river sand in Tractor
bearing Registration No.TN 67 AX 7201 Swaraj 774F.

3.The learned counsel for the petitioner submitted that the
petitioner is an innocent person and she has not committed any
offence as alleged by the prosecution. However, to show his bona
fide, the petitioner has come forward to pay a sum of
Rs.30,000/- (Rupees Thirty Thousand only) to the credit of Cr.No.462
of 2021 before the trial Court concerned.

4.The learned Additional Public Prosecutor submitted that apart
from this case, the petitioner is having one similar case, which is
of the year 2020.



5. Considering the nature of the mineral involved, the antecedents of the petitioner and his willingness to pay a sum of Rs.30,000/- (Rupees Thirty Thousand only) to the credit of Crime Number, this Court is inclined to grant bail to the petitioner on conditions.

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6. Accordingly, this Criminal Original Petition is allowed on condition that the petitioner shall deposit a sum of Rs.30,000/- (Rupees Thirty Thousand only) to the credit of Cr.No.462 of 2021 before the trial Court concerned, without prejudice to his rights and contentions before the trial Court. The petitioner is also directed to file an affidavit to the effect that he will not indulged in any such activities in future, before the trial Court.

7. On such deposit being made and on filing of the affidavit, 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, Kadaladi and on further condition that the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

sd/-

16/12/2021

/ 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
KADALADI
 - 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
 - 3 THE OFFICER INCHARGE,
SUB JAIL, PARAMAKUDI, RAMANATHAPURAM DISTRICT.
 - 4 THE INSPECTOR OF POLICE
SAYALGUDI POLICE STATION, RAMANATHAPURAM DISTRICT.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to MR.K.PRAKASH, Advocate (SR-9358[I] dated 16/12/2021)

ORDER IN
CRL OP(MD) No.20027 of 2021
Date :16/12/2021