



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01.02.2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.1070 of 2022

Chelladurai

... Petitioner/Accused-2

Vs

State Rep.by
The Inspector of Police,
Swamimalai Police Station,
Thanjavur District.
(Crime No.914 of 2021)

... Respondent/Complainant

For Petitioner : Mr.A.Joel Paul Antony
Advocate.
For Respondent : Mr.SS.Madhavan
Government Advocate(Crl.side)

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

PRAYER :-

For Bail in Crime No.914 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to the judicial custody on 10.12.2021 for the alleged offence under Sections 379 of IPC and Section 21(4) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.914 of 2021 on the file of the respondent police, seeks bail.

2.On 01.11.2021, this Court had granted anticipatory bail to the petitioner and other accused persons in Crl.O.P(MD).No.16947 of 2021. Due to his financial situation, the petitioner is unable to surrender before the concerned Magistrate Court to execute the sureties. Thereafter, the respondent police arrested the petitioner and remanded to judicial custody.

3.The case of the prosecution is that petitioner and other accused have illegally transported two bags of river sand. Hence, the compliant.



4.The learned counsel for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution. He further submitted that the petitioner is in judicial custody from 10.12.2021.

5.The learned Government Advocate(Crl.Side) submitted that one previous case is pending against the petitioner and also submitted that the most of the investigation might have been over.

6.Considering the period of custody of this petitioner and by this time, most of the investigation might have been over, this Court is inclined to grant bail to the petitioner with certain 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-2, Kumbakonam 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 shall file an undertaking affidavit before the concerned Police station stating that he will not indulge in any such sort of illegal activities in future. If there is any violation of affidavit or if any fresh case is registered against him, the bail granted by this Court shall stand cancelled automatically without any reference to the Court.

sd/-
01/02/2022

/ TRUE COPY /

01/02/2022
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.2,
KUMBAKONAM.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE OFFICER INCHARGE,
DISTRICT JAIL, PUDUKOTTAI.

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

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

ORDER
IN
CRL OP(MD) No.1070 of 2022
Date :01/02/2022

RS/PN/SAR.3(01.02.2022) 3P-6C