



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/02/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.2998 of 2022

Mohanaselvam

... Petitioner/Accused No.1

Vs

The State rep.by,
The Inspector of Police,
Emaneswaram Police Station,
Ramanathapuram District.
(Crime No.31/2022)

... Respondent/Complainant

For Petitioner : Mr.M.Shobana,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-For Bail in Crime No.31/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 31.01.2022 for the offences punishable under Section 379 IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.31 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the accused persons have illegally transported $\frac{1}{4}$ unit of river sand by using the vehicle. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent, he has not committed any offence as alleged by the prosecution and he is in jail from 31.01.2022. However, he would further submit that the petitioner, without prejudice to his right, ready to deposit the amount that may be imposed by this Court.



4.The learned Additional Public Prosecutor appearing for the respondent police would submit that $\frac{1}{4}$ unit of river sand was illegally transported by the petitioner. He would further submit that the petitioner is having two previous cases and that the investigation is yet to be completed.

5.Considering the nature of mineral involved, the antecedents of the petitioner and also the period of incarceration, this Court is inclined to grant bail to the petitioner on certain conditions.

6.Accordingly, the petitioner shall pay a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of the District Mineral Foundation Trust, Ramanathapuram, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate, Paramakudi.

7.On production of such receipt/acknowledgment, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Paramakudi and on further condition that:

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

ii) the petitioner shall report before the respondent police daily at 10.30 a.m for a period of one month and thereafter as and when required for interrogation;

iii) the petitioner shall not tamper with evidence or witness.

iv) the petitioner shall not abscond during trial.

v) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

11/02/2022

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/ /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



TO

1 THE JUDICIAL MAGISTRATE,
PARAMAKUDI.

2 THE CHIEF JUDICIAL MAGISTRATE
RAMANATHAPURAM DISTRICT.

3 THE OFFICER INCHARGE,
DISTRICT JAIL, RAMANATHAPURAM.

4 THE INSPECTOR OF POLICE
EMANESWARAM POLICE STATION, RAMANATHAPURAM DISTRICT

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

COPY TO:

THE OFFICER INCHARGE,
DISTRICT MINERAL FOUNDATION TRUST,
RAMANATHAPURAM DISTRICT.

ORDER

IN

CRL OP(MD) No.2998 of 2022

Date :11/02/2022

PNM

MK/VR/SAR.III/11.02.2022/3P/7C