



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 01/06/2022
PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) . No.9826 of 2022

Chelladurai

... Petitioner/Accused No.1

Vs

The State rep.by,
The Inspector of Police,
Sawyerpuram Police Station,
Thoothukudi District..
Crime No.64 of 2022

... Respondent/Complainant

For Petitioner : M/s. Saravanan.S,
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.64/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 13.05.2022 for the offences punishable under Sections 379 of IPC r/w.Section 21(1)of Mines and Minerals (Development and Regulation) Act,1957 in Crime No.64 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 13.05.2022 the petitioner along with other accused said to have illegally transported five units of odaisand using Tarus lorry. Hence the present case came to be registered.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would also submit that the petitioner is only the driver of the lorry and the sand has been recovered. However, he would further submit that the petitioner, without prejudice to his right, is ready to deposit the amount that may be imposed by this Court. He would also submit that the petitioner is in judicial custody from 13.05.2022, hence, he seeks bail.



4.The learned Additional Public Prosecutor would submit that the petitioner along with other accused said to have illegally stolen five units of odai sand. He would also submit that the petitioner is not having any previous case for similar offence and the sand has been recovered.

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5.Considering the facts and circumstances of the case and also considering the fact that the sand has been recovered and also the fact that the petitioner is not having any previous case for similar offence and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner shall pay a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of the concerned District Mineral Foundation Trust, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate No.I, Thoothukudi.

7.On such deposit, the petitioner is ordered to be released on bail on condition that the petitioner shall execute a 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.I, Thoothukudi and on further condition that the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

sd/-

01/06/2022

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01/06/2022

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

TO

1. The Judicial Magistrate No.I, Thoothukudi.
- 2.Do through The Chief Judicial Magistrate,
Thoothukudi.
- 3 The Officer in charge,
District Jail Perurani, Thoothukudi District.
- 4.The Inspector of Police,
Sawyerpuram Police Station, Thoothukudi District.
- 5.The Officer in Charge,
District Mineral Foundation Trust,
Thoothukudi District.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 cc to Mr.S.SARAVANAN Advocate, SR 5109 dated 01.06.2022

ORDER IN

CRL OP(MD) No.9826 of 2022

Date :01/06/2022

SA/JM/SAR.1/01.06.2022/2P/8C

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