



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 29/08/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.14819 of 2022

WEB COPY

K.Vayakadusamy

... Petitioner/Accused No.3

Vs

State Rep.by
The Inspector of Police,
Thirupparankundram Police Station,
Madurai District.
(Crime No.25 of 2022).

... Respondent/Complainant

For Petitioner : M/s.T.Palanisamy, Advocate.
For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.25 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No.3, who was arrested on 04.08.2022 for the alleged offences under Sections 379 of IPC and r/w 21(1), 21(4) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.25 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner along with other accused illegally indulged in sand mining activities by using 4 lorries and 1 JCB. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that as per the order of this Court, dated 18.08.2022, he filed an undertaking affidavit that he will not indulge in similar offence in future.

4.The learned Government Advocate (Crl.Side) submitted that since the petitioner filed an undertaking affidavit, his bail application may be considered.



5.Considering the period of incarceration and in view of the undertaking affidavit that he will not indulge in similar offence in future filed by the petitioner, this Court is inclined to grant bail to the petitioner with stringent conditions.

6.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.VI, Madurai, and on further condition that the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

7.If new case has been registered against the petitioner during the intervene period, bail order that has been granted by this Court, shall stand automatically cancelled.

sd/-

29/08/2022

/ TRUE COPY /

30/08/2022

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.VI, MADURAI.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

4 THE INSPECTOR OF POLICE, THIRUPPARANKUNDRAM POLICE STATION,
MADURAI DISTRICT.

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

+1 CC to M/s.T.PALANISAMY, Advocate (SR-9230[I] dated 29/08/2022)

ORDER IN

CRL OP(MD) No.14819 of 2022

Date :29/08/2022

DSS

<https://www.mh.judiciary.gov.in/> (30.08.2022) 2P-7C