



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 05.09.2022
PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD). No.15950 of 2022

L.Prakash

... Petitioner/Accused

Vs

State Through
The Inspector of Police,
Sankarankovil Taluk Police Station,
Crime No.142 of 2022.

... Respondent/Complainant

For Petitioner : Mr.R.Manojkumar, 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.142 of 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 03.08.2022 for the offences punishable under Sections 379 IPC r/w Section 21(4) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.142 of 2022, on the file of the respondent police, seeks bail.

2.The prosecution case is that the petitioner has illegally transported 3 units of river sand. Hence, the complaint.

3.On the side of the petitioner, it is stated that the petitioner was arrested on 03.08.2022 under the Mines and Minerals Act for theft of three units of river sand.

4.On the side of the prosecution, it is stated that the petitioner is having one previous case, but not similar in nature and prayed the petition to be dismissed.

5.Considering the nature of the offence and on considering the period of incarceration, this Court is inclined to grant bail to the petitioner with certain conditions.

6.Accordingly, this Criminal Original Petition is allowed on condition that the petitioner shall deposit a sum of Rs.45,000/- (Forty Five Thousand only) to the credit of Crime No.142 of



2022 before the learned Principal Sessions Judge, Tirunelveli, without prejudice to his rights and contentions before the trial Court.

7. On such deposit being made, the petitioner is ordered to be released on bail, on executing 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 Principal Sessions Judge, Tirunelveli and on further conditions 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., until further orders;

(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 / petitioner thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

05/09/2022

/ TRUE COPY /

05/09/2022

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

TO

1 THE PRINCIPAL SESSIONS JUDGE, TIRUNELVELI.

2 THE OFFICER INCHARGE,
SUB PRISON, TENKASI.

3 THE INSPECTOR OF POLICE
SANKARANKOVIL TALUK POLICE STATION,

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

+1. CC to M/S. MANOJ KUMAR R Advocate SR.No.9615.

ORDER IN

CRL OP(MD) No.15950 of 2022

Date : 05/09/2022