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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 06/10/2022

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD). No.17854 of 2022

Alexpandian,

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Peraiyur Police Station,
Madurai District.
Cr.No.44/2022.

... Respondent/Complainant

For Petitioner : M/s.Haroon Rasheed D.S., Advocate.

For Respondent : Mr.S.Manikandan,
Government Advocate (Crl.Side)

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

PRAYER :-

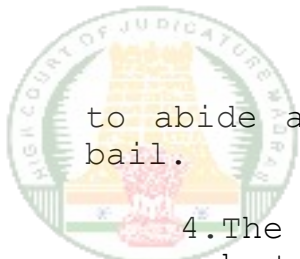
For Bail in Crime No.44/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 26.02.2022 for the offences punishable under Section 379 of IPC and Sections 4(1)(1A) and 21(5) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.44 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner has illegally transported 10 plates of sand. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. However, he would further submit that the petitioner is ready



to abide any condition imposed by this Court. Hence, he is granted bail.

4.The learned Government Advocate (Crl. side) appearing for the respondent police strongly opposed this petition stating that the petitioner is having two previous cases, which are similar in nature and he was detained under Tamil Nadu Act 14 of 1982.

5.Considering the facts and circumstances of the case and also considering the nature of the offence and also the fact that the petitioner is in judicial custody from 26.02.2022, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on 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 Special District Court to deal with the cases of offences in contravention of the provisions of the Mines and Minerals Cases (D&R) Act, 1957, Madurai.

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

(ii) the petitioner is directed to deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only) to the credit of Aram Seya Virumbu, (Tamil Nadu Mercantile Bank, A/c No.423150050800264, IFSC Code: TMBL0000423 Ambasamudram Branch)**, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties;

(ii)the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of three weeks 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 Special Court/concerned 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 Special Court/concerned 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 FI registered under Section 229A IPC.

sd/-
06/10/2022

/ TRUE COPY /

06/10/2022

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

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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 SPECIAL DISTRICT JUDGE,
TO DEAL WITH THE CASES OF OFFENCES IN
CONTRAVENTION OF THE PROVISIONS OF THE MINES
AND MINERALS CASES (D&R) ACT, 1957, MADURAI.
- 2 THE INSPECTOR OF POLICE
PERAIYUR POLICE STATION,
MADURAI DISTRICT.
- 3 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE OFFICER INCHARGE
ARAM SEYA VIRUMBU,
AMBASAMUDRAM.

+1 CC to M/s.D.S.HAROON RASHEED, Advocate (SR-10930[I] dated 06/10/2022)

ORDER
IN
CRL OP(MD) No.17854 of 2022
Date : 06/10/2022

PKP/SVR/SAR-4/06.10.2022/3P/7C