



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 10/01/2022
PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.20529 of 2021

T.Pothairaja

... Petitioner/Accused No.1

Vs

The State rep.by
The Inspector of Police,
M.Pudupatti Police Station,
Virudhunagar District.
(Crime No.154/2021).

... Respondent/Complainant

For Petitioner : M/s.BOOMEERAJAN.PR, Advocate.

For Respondent : Mr.SS.MADHAVAN, Government Advocate (Crl.Side)

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

PRAYER :- For Bail in Crime No.154 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No.1 herein, who was arrested on 08.12.2021 for the alleged offence under Sections 379 of IPC r/w Section 21(1) of Mines and Minerals (D&R) Act, 1957, in Crime No.154 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner along with 6 others involved in illegal sand theft using 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 has submitted that it is not river sand. It is only gravel sand.

4.The learned Additional Public Prosecutor submitted that totally 7 accused in this case. The petitioner is A1 in this case. He has five previous cases against him. Out of which two are similar in nature. The petition seeking bail filed by the petitioner before the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputtur, in Cr.M.P.No.2838 of 2021, came to be dismissed on the ground that the petitioner is already having two similar type of cases and if he is released on bail, he will involve in similar type of offence again and there is a chance to tampering the prosecution witnesses and hampering the investigation. Hence, he opposed the grant of bail to the petitioner.



5.Considering the minerals involved in this case and the period of incarceration, 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.II, Sivakasi and on further condition that

(i)the petitioner shall report before the respondent police once in fifteen days at 10.30 a.m. until further orders.

(ii) the petitioner shall file an affidavit before the concerned Court stating that he will not indulge in such sort of activities in future.

(iii) if there is any violation of affidavit and if any fresh case is registered against him, the bail granted by this Court in this petition shall stand dismissed automatically without any reference to the Court.

sd/-
10/01/2022

/ TRUE COPY /

10/01/2022
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.II, SIVAKASI

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE OFFICER INCHARGE
DISTRICT JAIL, VIRUDHUNAGAR.

4 THE INSPECTOR OF POLICE
M.PUDUPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

ORDER IN

CRL OP(MD) No.20529 of 2021
Date :10/01/2022

SA/VR/SAR.3/10.01.2022/2P/6C

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