



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.20614 of 2021

Suman

... Petitioner/Accused No.2

Vs

The State rep.by
The Inspector of Police,
Nachiyarkovil Police Station,
Thanjavur District.
Cr.No.117/2019.

... Respondent/Complainant

For Petitioner : M/s.PRITHVIRAJ.P.R, 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.117 of 2019 on the file of the Respondent police.

ORDER : The Court made the following order :-

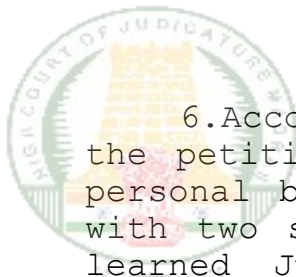
The petitioner/Accused No.2 herein, who was arrested on 11.12.2021 for the alleged offence under Sections 379 of IPC r/w Section 21(1) of Mines and Minerals (D&R) Act, 1957, in Crime No.117 of 2019, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner along with some 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. The petitioner is owner of the above said vehicle.

4.The learned Government Advocate (Crl. Side) submitted that the petitioner has six previous cases against him. Out of which two are similar in nature. Some of the cases have been disposed of and in some of the cases, he has been acquitted. 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.5972 of 2021, came to be dismissed in view of the bad antecedents of 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, Kumbakonam, 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, KUMBAKONAM.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE OFFICER INCHARGE
SUB JAIL, THIRUVIDAIMARUTHUR, THANJAVUR DISTRICT.

4 THE INSPECTOR OF POLICE
NACHIYARKOVIL POLICE STATION,
THANJAVUR DISTRICT.

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

ORDER IN

CRL OP(MD) No.20614 of 2021

Date : 10/01/2022

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