



CRL OP(MD). No.13084 of 2023

WEB COPY

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

Date : 24/07/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN
CRL OP(MD). No.13084 of 2023

Esakkiraj

... Petitioners/ Accused No.1

Vs

State Rep.by
The Inspector of Police,
Seithur Rural Police Station,
Virudhunagar District.
(Crime No.81 of 2023).

... Respondent/ Complainant

For Petitioner : M/s. Saravanakumar.P, Advocate
For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.81 of 2023 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner / Accused, who was arrested on 06.07.2023 for the alleged offence under Section 379 IPC r/w Section 21(4) of Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.81 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that at the time of patrolling duty on 06.07.2023

at about 20.25 hours, the defacto complainant found that the three accused persons

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were in possession of 3 units (each one unit) of river sand illegally, without any valid permit in their vehicle. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he is not having any previous case at his credit. The petitioner is in custody from 06.07.2023. However, he is ready to file an affidavit that he will not indulge in any offence in future Hence, prays to release him on bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner is having one previous case at his credit, which is similar in nature and the investigation is not yet completed in this case. Hence, prays to dismiss the petition.

5.Considering the facts and circumstances of the case, though the petitioner is having previous case, considering the affidavit filed by the petitioner that he will not indulge in any offence in future and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with stringent conditions.

6.Accordingly, this Criminal Original Petition is allowed on condition that the petitioner shall deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) to the credit of Cr.No.81 of 2023 before the trial Court concerned, without prejudice to his rights and contentions before the trial Court.



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7. On such deposit being made, 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, Rajapalayam, on further condition that the petitioner shall also file an undertaking affidavit before the trial Court that he will not indulge in any offence in future and on further condition that the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders. If any case is registered against the petitioner in future, the bail that has been granted in this case, will stand automatically cancelled without reference to this Court.

sd/-

24/07/2023

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/07/2023

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

PNM

TO

1 THE JUDICIAL MAGISTRATE
RAJAPALAYAM.

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

3 THE OFFICER INCHARGE
SUB JAIL, SRIVILLIPUTHUR.

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4 THE INSPECTOR OF POLICE
SEITHUR RURAL POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

COPY TO

THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

+1 CC TO MR.P.KALAIYARASI BHARATHI, ADVOCATE, SR-11199[I]

ORDER
IN
CRL OP(MD) No.13084 of 2023
Date :24/07/2023

RS/DD/SAR-(24.07.2023) 4P 8C
Madurai Bench of Madras High Court is issuing
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