



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

Wednesday, the Second day of December Two Thousand Fifteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI
CRL OP(MD)Nos.22732 & 22733 of 2015

KANDHAKUMAR @ KANDASAMY

..PETITIONER/ACCUSED No.1
in Crl.OP(MD)No.22732/2015

KANDASAMY

..PETITIONER/ACCUSED
(RANK NOT KNOWN)
in Crl.OP(MD)No.22733/2015

Vs.

STATE REP.BY THE SUB INSPECTOR OF POLICE
MURAPPANAADU POLICE STATION,
TUTICORIN DISTRICT.

(CRIME Nos.26 & 299 OF 2015 RESPECTIVELY) ..RESPONDENT/COMPLAINANT
in Both the Petition

For Petitioner : M/S M.S.JEYAKARTHIK Advocate in Both the Petition

For Respondent : Mr.K.ANBARASAN, Government Advocate (Crl.Side)
in Both the Petition

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

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as the accused, in Crime Nos.26 and 299 of 2015 on the file of the respondent police, was arrested on 09.11.2015 for the alleged offences punishable under Sections 379 of I.P.C., and Section 21(1) of Mines and Minerals Act and hence, seeks bail.

2.In Crl.O.P.(MD).No.22732 of 2015, the case of the prosecution is that on 23.01.2015 the accused illegally transported 10 bags of river sand without any valid permission and the petitioner was a driver of the vehicle and hence, the case was registered for offence under Sections 379 of I.P.C., and Section 21(1) of Mines and Minerals Act.

3.In Crl.O.P.(MD).No.22733 of 2015, the case of the prosecution is that on 09.11.2015 the accused illegally transported 10 bags of river sand without any valid permission and the petitioner was a driver of the vehicle and hence, the case was registered for offence under Sections 379 of I.P.C., and Section 21(1) of Mines and Minerals Act.

4.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he did not commit any offence and he is an agricultural coolie and even according to the petitioner, he is only a driver for the offending vehicle and the petitioner's name was falsely implicated in this case.



5.The learned Government Advocate (Crl.side) submitted that the petitioner is having six previous cases in similar nature.

6.Considering the facts and circumstances of the case and also considering the fact that the co-accused were arrested and enlarged on bail, this Court is inclined to grant bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail on his 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 Judicial Magistrate, Srivaikundam and on further condition that the petitioner shall appear before the respondent police daily at 10.00 a.m., and 05.00 p.m., until further orders.

sd/-

02/12/2015

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE, SRIVAİKUNDAM, THOOTHUKUDI DISTRICT.

2 -do-thro'THE CHIEF JUDICIAL MAGISTRATE,THOOTHUKUDI.

3 THE ADDL.PUBLIC PROSECUTOR,MADURAI BENCH OF MADRAS HIGH COURT,MADURAI.

4 THE SUB INSPECTOR OF POLICE, MURAPPANAADU POLICE STATION,
TUTICORIN DISTRICT.

5 THE OFFICER INCHARGE, DISTRICT JAIL, SRIVAİKUNDAM,
THOOTHUKUDI DISTRICT.

+2. CC to M/S M.S.JEYAKARTHIK Advocate SR.No.68949 & 68950

ORDER IN

CRL OP (MD) Nos.22732 & 22733 of 2015

Date :02/12/2015

PBK/DP-JGB/SAR-II 02/12/2015 ::2P-8C::