



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

Tuesday, the Twelfth day of July Two Thousand Sixteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.11376 of 2016

VALLIRAJA

... PETITIONER / ACCUSED
Rank Not Known

Vs

State Represented by
THE INSPECTOR OF POLICE
SRIVAIKUNDAM POLICE STATION,
THOOTHUKUDI DISTRICT.
CRIME NO. 141 OF 2016

... RESPONDENT / COMPLAINANT

For Petitioner : M/S S.R.DURAIRAJ Advocate

For Respondent : Mr.P.Kannithevan, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner is arrayed as accused, who was arrested and remanded to judicial custody on 16.06.2016 for the alleged offences punishable under Section 379 IPC, Section 21(1) of Mines and Minerals Act and Section 3 of TNPPDL Act, in Crime No.141 of 2016, on the file of the respondent police and hence, seeks bail.

2.The case of the prosecution is that the petitioner along with other accused have stolen the river sand and damaged the river bed. On complaint, case has been registered for the above said offences.

3.The case of the petitioner is that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. The petitioner is in judicial custody from



16.06.2016.

4.The learned counsel for the petitioner submitted that the petitioner is willing to deposit a sum of Rs.3,000/- to the credit of Crime No.141 of 2016 before the learned Judicial Magistrate, Srivaikundam.

5.The learned Government Advocate (Crl. side) submitted that investigation is pending.

6.Considering the facts and circumstances of the case and also considering the fact that the petitioner is in judicial custody from 16.06.2016, this Court is inclined to enlarge the petitioner on bail with certain conditions. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions:

- (i) the petitioner shall deposit a sum of Rs.3,000/- (Rupees three thousand only) to the credit of Crime No.141 of 2016 before the learned Judicial Magistrate, Srivaikundam and he shall execute 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.
- (ii) the petitioner shall report before the respondent police daily at 10.00 a.m. until further orders.
- (iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iv) the petitioner shall not abscond either during investigation or trial.
- (v) On breach of any of the aforesaid conditions, the learned Magistrate/Trial 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 Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

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7.The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioner is complying with the condition or not.

sd/-
12/07/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE
SRIVAIKUNDAM
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN
 - 3 THE OFFICER IN-CHARGE
SUB JAIL, SRIVAIKUNDAM
 - 4 THE INSPECTOR OF POLICE
SRIVAIKUNDAM POLICE STATION,
THOOTHUKUDI DISTRICT.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
- +1. CC to M/S M.S.JEYAKARTHIK, Advocate SR.No.35686

SMN

JAM/12.07.2016/SK-SKN/SARII/ 3P-7C

ORDER
IN
CRL OP(MD) No.11376 of 2016
Date :12/07/2016