



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

Monday, the First day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.13028 of 2016

MURUGAN

..PETITIONER/ACCUSED No.5

Vs.

STATE REP.BY

THE INSPECTOR OF POLICE

SRI VAIKUNDAM POLICE STATION,

TUTICORIN DISTRICT.

CRIME NO.187 OF 2016

..RESPONDENT/COMPLAINANT

For Petitioner : M/S R.SENTHILKUMAR Advocate

For Respondent : Mr.P.KANNITHEVAN, Government 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 No.5, who was arrested and remanded to judicial custody on 08.07.2016 for the alleged offences punishable under Section 379 IPC read with Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 and Section 3 of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992, in Crime No.187 of 2016, on the file of the respondent police and hence, seeks bail.

2.The case of the prosecution is that at the time of routine inspection by the defacto complainant, who is the forest ranger, he found that the petitioner and other accused have taken the sand through sacks. After seeing the defacto complainant, the accused persons ran away from the occurrence place. On complaint, case has been registered for the above said offences.

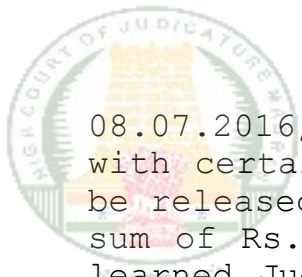
3.The case of the petitioner is that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. The petitioner is in judicial custody from 08.07.2016.

4.The learned counsel for the petitioner submitted that the petitioner is willing to deposit a sum of Rs.5,000/- to the credit of Crime No.187 of 2016 before the learned Judicial Magistrate, Srivaikundam.

5.The learned Government Advocate (Crl. side) submitted that totally there are 10 accused in this case and the accused persons taken the sand through sacks and the investigation is pending.

<https://hcservices.ecourts.gov.in/hcservices/>

6.Considering the facts and circumstances of the case and also considering the fact that the petitioner is in judicial custody from



08.07.2016, this Court is inclined to enlarge the petitioner on bail with certain conditions. Accordingly, the petitioner is ordered to be released on bail on condition that the petitioner shall deposit a sum of Rs.5,000/- to the credit of Crime No.187 of 2016 before the learned Judicial Magistrate, Srivaikundam and on further conditions that:

- (i) the petitioner 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 10.30 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]**.

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/-

01/08/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE, SRIVAIKUNDAM, THOOTHUKUDI DISTRICT.
- 2 -DO-THRO'THE CHIEF JUDICIAL MAGISTRATE,THOOTHUKUDI.
- 3 THE ADDL.PUBLIC PROSECUTOR,MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE INSPECTOR OF POLICE, SRI VAIKUNDAM POLICE STATION, TUTICORIN DISTRICT.
- 5 THE OFFICER-IN-CHARGE, DISTRICT PRISON, SRIVAIKUNDAM, THOOTHUKUDI DISTRICT.

+1. CC to M/S R.SENTHILKUMAR Advocate SR.No.40829

ORDER IN

CRL OP(MD) No.13028 of 2016

Date :01/08/2016