



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

Monday, the Seventh day of November Two Thousand Sixteen

WEB COPY

PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) No.21085 of 2016

VIGNESHWARA

... PETITIONER/ACCUSED No.1

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
KAYATHARU POLICE STATION,
THOOTHUKUDI DISTRICT
(CRIME NO.417 OF 2016)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.LAKSHMI GOPINATHAN, Advocate

For Respondent : MRS.S.PRABHA, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

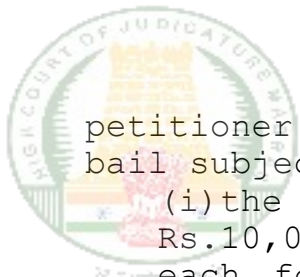
The petitioner / A1, who was arrested on 15.10.2016 for the offences punishable under Section 379 IPC @ Section 3(i) of TNPPDL Act in Crime No.417 of 2016 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 16.09.2016, the petitioner along with other accused cut and removed four Tamarind tree Nos.24, 25, 26 and 27 standing in Highways, without getting prior permission. Hence, the Junior Engineer, National Highways Department, Kovilpatti Sub Division preferred the present complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 15.10.2016 onwards.

4.Heard the learned Government Advocate(Crl. Side) on the above submission.

<https://hcservices.5000.gov.in/hcservices/>
5.Considering the facts and circumstances of the case and also taking note of the fact that the petitioner is in custody from 15.10.2016 onwards, this Court is inclined to grant bail to the



petitioner. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions:

(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 Judicial Magistrate No.II, Kovilpatti;

(ii) the petitioner is directed to appear before the respondent police daily at 10.30 a.m. until further orders;

(iii) the petitioner shall not tamper with the 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 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 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].

(vi) the petitioner is also directed to plant 10 trees on the Highways in the place where the officials of the Highways Department, Kovilpatti indicate.

6. On coming out on bail, the petitioner is directed to deposit a sum of Rs.25,000/- to the credit of Crime No.417 of 2016 within a period of 15 days.

Post this matter after four weeks for reporting compliance.

sd/-

07/11/2016

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.II, KOVILPATTI

2 DO THRO THE CHIEF JUDICIAL MAGISTRATE, TUTICORIN DISTRICT.

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

4 THE OFFICER INCHARGE, SUB JAIL, KOVILPATTI.

5 THE INSPECTOR OF POLICE, KAYATHARU POLICE STATION,
THOOTHUKUDI DISTRICT

+1. CC to M/S. POLEX LEGAL SOLUTIONS Advocate SR.No.66349.

ORDER IN

CRL OP(MD) No.21085 of 2016

Date : 07/11/2016