



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

Monday, the Twenty First day of August Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.10965 of 2017

ALAGU NAINAR

... PETITIONER / ACCUSED NO.5

Vs

THE STATE REP.BY,
THE SUB INSPECTOR OF POLICE
SEITHUNGANALLUR POLICE STATION,
THOOTHUKUDI DISTRICT.
CRIME NO. 28/2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.P.R.PRITHIVIRAJ Advocate

For Respondent : MR.A.RAMAR Additional Public Prosecutor

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

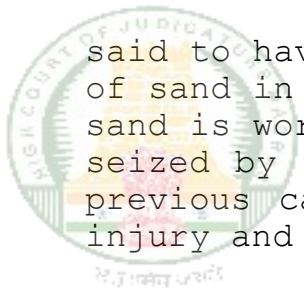
ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 06.08.2017, for the offences punishable under Sections 294(b), 353, 307, 506(ii) and 379 of IPC., and Section 3 of TNPPDL Act, in Crime No.28 of 2017, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the accused in this case said to have illegally quarried river sand and transported half unit of sand in 407 Van for the purpose of sale and the value of the said sand is worth about to Rs.2000/-. The said van along with sand were seized by the respondent Police. The petitioner is not having any previous case of similar tyupe of offences. No one is sustained injury. Investigation is still pending.

3. The learned counsel appearing for the petitioner states that the petitioner has not committed any offence whatsoever, as alleged by the prosecution. The petitioner is in custody from 06.08.2017. The petitioner is an innocent person and he has been falsely implicated in this case.

4. The learned Additional Public Prosecutor appearing for the respondent, on instructions, would submit that there are one named accused and nine unnamed accused in this case and the petitioner herein is named accused arrayed as A5 and he was implicated on his confession and he was arrested and remanded to judicial custody on 06.08.2017. No confession statement is recorded from the named accused herein. He further submitted that the accused in this case



said to have illegally quarried river sand and transported half unit of sand in 407 Van for the purpose of sale and the value of the said sand is worth about to Rs.2000/-. The said van along with sand were seized by the respondent Police. The petitioner is not having any previous case of similar type of offences and no one is sustained injury and the investigation is still pending.

5. Considering the above facts and circumstances of the case and also considering the fact that no incriminating records to show that the petitioner herein is the accused in this case, except the confession of his own and also the fact that the petitioner is not having any pervious case of similar type of offences, this Court is inclined to grant bail to the petitioner, subject to certain conditions.

6. 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, Thoothukudi District and on further condition that:

[a] the petitioner shall report before the learned Judicial Magistrate, Srivaikundam, Thoothukudi District daily at 10.30 a.m., until further orders.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] 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].

sd/-

21/08/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, SRIVAIKUNDAM, THOOTHUKUDI DISTRICT.
 - 2 THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI DISTRICT.
 - 3 OFFICER IN CHARGE, SUB JAIL, SRIVAIKUNDAM.
 - 4 THE SUB INSPECTOR OF POLICE,
SEITHUNGANALLUR POLICE STATION, THOOTHUKUDI DISTRICT.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.P.R.PRITHIVIRAJ Advocate SR.No.28986

ORDER IN
CRL OP(MD) No.10965 of 2017
Date :21/08/2017