



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.10992 of 2017

ESAKKIMUTHU

... PETITIONER/SOLE ACCUSED

Vs

STATE REP.BY,
THE INSPECTOR OF POLICE
NAZARETH POLICE STATION,
THOOTHUKUDI DISTRICT,
CRIME NO. 165/2017.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.R.ANBARASU 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 :-

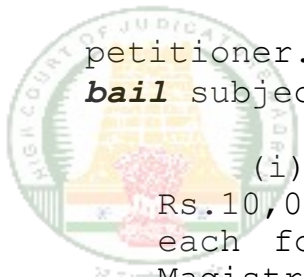
The petitioner / accused, who was arrested on 02.08.2017 for the offences punishable under Section 379 IPC and Sections 21(1) and 21(5) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.165 of 2017 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner has illegally transported 2 units of river sand in a tipper lorry.

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.

4.The learned Additional Public Prosecutor submitted that the petitioner is arrayed as A1 in this case and no similar type of previous case is pending against the petitioner. He also submitted that the vehicle along with sand were seized and investigation is still pending.

5.Considering the facts and circumstances of the case and considering the fact that no similar type of previous case is pending and the vehicle along with sand were seized by the respondent police, 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, Sathankulam, Thoothukudi.

(ii) the petitioner is directed to appear before the concerned Court 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]**.

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, SATHANKULAM, THOOTHUKUDI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI DISTRICT.

3 THE INSPECTOR OF POLICE
NAZARETH POLICE STATION, THOOTHUKUDI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

5 THE OFFICER-IN-CHARGE, DISTRICT JAIL, SRIVAIKUNDAM.

+1. CC to M/S.S.R.ANBARASU Advocate SR.No.29009

NBJ

CSL/CM-MSA/SAR-IV/21.08.2017 : 2P/7C

ORDER

IN

CRL OP(MD) No.10992 of 2017

Date : 21/08/2017