



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

Thursday, the Twenty Fourth day of August Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.11157 of 2017

S.NARESHKUMAR

... PETITIONER / ACCUSED

Vs

THE STATE REP.BY,
THE SUB INSPECTOR OF POLICE
SRIVAIKUNDAM POLICE STATION,
THOOTHUKUDI DISTRICT.
CRIME NO. 130 OF 2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.R.SENTHIL KUMAR 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 :-

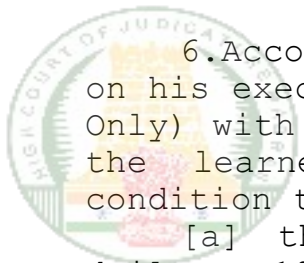
The petitioner, who was arrested and remanded to judicial custody on 31.07.2017, for the offences punishable under Sections 147, 148, 353, 379 of IPC, in Crime No.130 of 2017, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner along with other accused have illegally quarried the river sand and also damaged the river belt worth about Rs.10,000/-. This said lorry along with the sand seized by the respondent police.

3.The learned counsel appearing for the petitioner states that the petitioner is no way connected with the crime and his name was not found in the FIR and only on the basis of the confession of the co-accused namely A3, this petitioner was implicated in this case.

4.The learned Additional Public Prosecutor appearing for the respondent, on instructions, would submit that out of 10 accused, 5 were named accused and others are unnamed accused and the petitioner is arrayed as A6 in this case. He also submitted the lorry along with sand were seized by the respondent Police and investigation is still pending.

5.Considering the above facts and circumstances of the case and also considering the fact the lorry along with sand were seized by the respondent Police, 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 and on further condition that:

[a] the petitioner shall report before the concerned Court 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/-

24/08/2017

/ 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, THOOTHUKUDI DISTRICT.

3 OFFICER IN CHARGE, DISTRICT JAIL, SRIVAIKUNDAM.

4 THE SUB 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.R.SENTHIL KUMAR Advocate SR.No.29284

ORDER

IN

CRL OP(MD) No.11157 of 2017

Date :24/08/2017

MKV-CM-MSA-SAR 1/24.8.2017/2P-7C