



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

Wednesday, the Twenty Fifth day of October Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.14301 of 2017

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... PETITIONER/ACCUSED NO.1

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
ELUMALAI POLICE STATION,
MADURAI DISTRICT.
(CRIME NO.371 OF 2017)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.N.MOHIDEEN BASHA Advocate

For Respondent : MR.K.ANBARASAN, Government Advocate(Crl.Side)

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

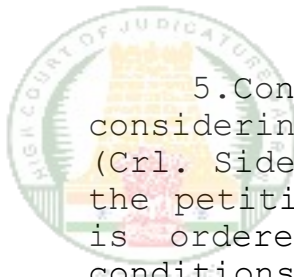
ORDER : The Court Made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 29.09.2017 for the alleged offences punishable under Sections 147, 148, 294(b), 323, 353, 379, 307 and 506(ii) of IPC., in Crime No.371 of 2017, on the file of the respondent police seeks bail.

2.The case of the prosecution is that on 24.09.2017 at 4.30 p.m, when the Village Administrative Officer, Seelanayakkanpatti Village intercepted the petitioner's vehicle namely, TATA Ace bearing Registration No.TN-67-AC-4366 he found that the petitioner and other accused persons illegally transported 50 bags of sand through his vehicle. The petitioner is the owner of the vehicle. At that time, the petitioner/A1 attacked the Village Administrative Officer/defacto complainant and others were ran away from the place. Hence, the defacto complainant lodged a complaint against the petitioner and other accused persons.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he did not commit any crime as alleged by the prosecution. He further submitted that the petitioner will abide any condition to be imposed by this Court.

4. The learned Government Advocate (Criminal side) appearing for the State submitted that in the similar type of cases, this Court imposed condition to deposit some amount to the exchequer against the illegal mining. In this case, the Village Administrative Officer has not sustained injury. He further submitted that two previous cases in the similar nature are pending against the petitioner.



5. Considering the facts and circumstances of the case and also considering the submissions made by the learned Government Advocate (Crl. Side) appearing for the State, I am inclined to grant bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions:

- (i) the petitioner shall deposit a sum of Rs.25,000/- (Rupees twenty five thousand only) to the credit of Crime No.371 of 2017 before the learned Judicial Magistrate No.II, Usilampatti, Madurai, without prejudice to his defence before the trial Court;
- (ii) the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Usilampatti, Madurai;
- (iii) the petitioner shall report before the investigation officer daily between 10.30 a.m. and 11.00 a.m., for a period of two weeks and thereafter as and when required;
- (iii) the petitioner shall not tamper with evidence or witness either during investigation or trial;
- (iv) the petitioner shall make himself available for interrogation including custodial interrogation as and when required by the investigation officer;
- (v) the petitioner shall not commit any offence while on bail;
- (vi) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law and the bail granted stands dismissed automatically.

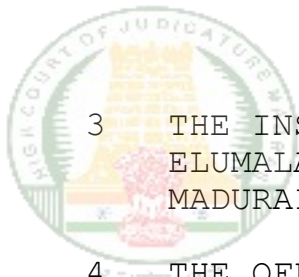
sd/-
25/10/2017

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

TO

1 THE JUDICIAL MAGISTRATE NO.II
USILAMPATTI, MADURAI



3 THE INSPECTOR OF POLICE,
ELUMALAI POLICE STATION,
MADURAI DISTRICT.

4 THE OFFICER-IN-CHARGE,
SUB JAIL, PERAIYUR

5 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. CC to M/S.N.MOHIDEEN BASHA Advocate SR.No.33105

ORDER

IN

CRL OP(MD) No.14301 of 2017

Date :25/10/2017

PK/RR-BS/SAR-4/26.10.2017 : 3P/7C