



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

Tuesday, the Fourteenth day of February Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.1601 of 2017

SHANMUGADURAI

... PETITIONER/ ACCUSED No.3

Vs

STATE REP BY
THE INSPECTOR OF POLICE
MARAPPANADU POLICE STATION,
THOOTHUKUDI DISTRICT
(CRIME NO. 9 OF 2017)

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.V.ANGUSAMY Advocate

For Respondent : MR.P.KANDASAMY Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

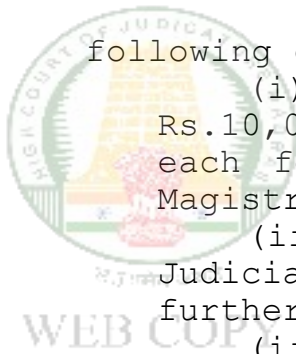
The petitioner / A3, who was arrested on 23.01.2017 for the offences punishable under Sections 353, 307 and 379 IPC in Crime No.9 of 2017 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner along with other accused illegally transported one unit of sand.

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 has no bad antecedent.

4.The learned Government Advocate(Crl. Side) submitted that totally 3 accused and the petitioner is arrayed as A3 in this case. He also submitted that the worth of sand is Rs.5,000/- and the tipper lorry and the sand were seized by the respondent Police and investigation is pending.

5.Considering the facts and circumstances of the case and considering the fact that properties were seized, 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, Srivaikundam;

(ii) the petitioner is directed to appear before the Judicial Magistrate, Srivaikundam 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/-

14/02/2017

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE,
SRIVAİKUNDAM.

2. -DO-THRO CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.

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

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

5. THE SUPERINTENDENT OF CENTRAL PRISON, PALAYAMKOTTAI.

+1. CC to M/S.V.ANGUSAMY Advocate SR.No.8132

NBJ

JS/PM/AN/SAR.2/14.02.2017/2P-7C

ORDER

IN

CRL OP(MD) No.1601 of 2017

Date :14/02/2017