



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

Thursday, the Second day of March Two Thousand Seventeen
PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED
CRL OP(MD) No.2255 of 2017

1 KRISHNAMOORTHY
2 KALIRAJ
3 VEERAJOTHI

... PETITIONERS/ACCUSED 1 to 3

Vs

STATE REP.BY
THE SUB INSPECTOR OF POLICE,
THIRUTHANGANL POLICE STATION,
THIRUTHANGAL, VIRUDHUNAGAR DISTRICT.
(CR.NO.110 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.C.JEYAPRAKASH 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 petitioners / A1 to A3, who were arrested on 19.02.2017 for the offences punishable under Sections 379 IPC and Section 3 of TNPPDL Act, 1992 in Crime No.110 of 2017 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners along with other accused have illegally transported 1½ unit sand in a Tipper lorry by using JCB without getting permission.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they are no way connected with the above said occurrence and there is no specific overt act attributed against these petitioners and the Tipper lorry and JCB were hired by some other persons and the said person had taken the sand by stating that already he obtained permission. He also submitted that the petitioners are innocent persons and they have been falsely implicated in this case.

4.The learned Government Advocate(Crl. Side) submitted that totally there are 3 named and 9 unnamed accused and the petitioners are arrayed as A1 to A3 respectively and A1 is the owner of the Tipper Lorry and A2 is the driver of JCB, which is used for the commission of the above said offence and both the Tipper lorry and JCB were seized by the respondent Police. He further submitted that the petitioners were arrested on 19.02.2017 and they are in custody. He also submitted that no previous case for similar type offence is pending against the petitioners and investigation is pending.

<https://hcservices.ecourts.gov.in/hcservices/>

5.Considering the facts and circumstances of the case and



considering the fact that the Tipper lorry as well as JCB were seized and no similar type of previous case is pending against the petitioners, this Court is inclined to grant bail to the petitioners.

Accordingly, **the petitioners are ordered to be released on bail** subject to the following conditions:

(i) the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate, Sivakasi;

(ii) the petitioners are directed to appear before the respondent police daily at 10.30 a.m. until further orders;

(iii) the petitioners shall not tamper with the evidence or witness either during investigation or trial;

(iv) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-

02/03/2017

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

TO

1 THE JUDICIAL MAGISTRATE, SIVAKASI.

2 DO THRO THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR AT SRIVILLIPUTHUR.

3 THE ADDL.PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

4 THE OFFICER INCHARGE, DISTRICT JAIL, VIRUDHUNAGAR.

5 THE SUB INSPECTOR OF POLICE, THIRUTHANGANL POLICE STATION,
THIRUTHANGAL, VIRUDHUNAGAR DISTRICT.

+1. CC to M/S.C.JEYAPRAKASH Advocate SR.No.11898.

ORDER

IN

CRL OP(MD) No.2255 of 2017

Date : 02/03/2017