



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

Monday, the Ninth day of January Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.250 of 2017

GURUNATHAN

... PETITIONER /2ND ACCUSED

Vs

THE STATE BY
THE INSPECTOR OF POLICE
VEERAVANALLUR POLICE STATION,
TIRUNELVELI DISTRICT.
CR NO. 238/2016.

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.D.VENKATESH 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, who was arrested and remanded to judicial custody on 23.12.2016, for the offences punishable under Section 379 (sand theft) of IPC r/w. Section 21(1) & 21(4) of Mines and Minerals Development and Regulation Act, 1957 and Section 3(1) of TNPPDL Act, 1984, in Crime No.238 of 2016, on the file of the respondent police, seeks bail.

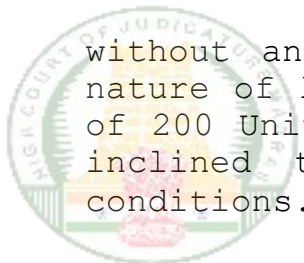
2. The case of the prosecution is that the petitioner, without obtaining any permission, the accused in this case had taken 200 Units of red sand for manufacturing bricks and thereby caused a loss to the tune of Rs.1,60,000/- to the Government.

3. The learned counsel for the petitioner states that the petitioner is arrayed as A2 in this case and he was arrested and remanded to judicial custody from 23.12.2016. He would further submit that the petitioner is running Bricks Chamber and he is an innocent and he has been falsely implicated in this case.

4. The learned Government Advocate (crl.side) appearing for the respondent states that without obtaining any permission, the accused in this case had taken 200 Units of red sand for manufacturing bricks and thereby caused a loss to the tune of Rs.1,60,000/- to the Government. He would further submit that 200 Units of red soil was recovered in this case.

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

5. Considering the facts and circumstances of the case and also considering the fact that the petitioner had taken away the red-sand



without any permission for manufacturing the bricks and also the nature of loss occurred to the Government and the entire contraband of 200 Units of red-sand was recovered in this case, 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, Cheranmahadevi, and on further condition that:

[a] the petitioner shall report before the respondent police daily at 10 a.m., until further orders, for interrogation.

[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/-

09/01/2017

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

MPK

TO

- 1 THE JUDICIAL MAGISTRATE, CHERANMAHADEVI
- 2 THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT
- 3 THE INSPECTOR OF POLICE, VEERAVANALLUR POLICE STATION,
TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 5 THE SUPERINTENDENT CENTRAL PRISON, PALAYAMKOTTAI.

+1. CC to M/S.D.VENKATESH Advocate SR.No.1425

GJM/SS3/SAR-I-9.1.17-2P-7C

ORDER

IN

CRL OP(MD) No.250 of 2017

Date :09/01/2017