



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

Tuesday, the Tenth day of January Two Thousand Seventeen

PRESENT

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

CRL OP (MD) No.307 of 2017

MARIAPPAN

... PETITIONER / ACCUSED

Vs

THE STATE REPRESENTED BY ITS
THE SUB INSPECTOR OF POLICE,
PAPPAKUDI POLICE STATION,
TIRUNELVELI DISTRICT.

(CR.NO.219/2016)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.A.UTHAYAKUMAR 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 :-

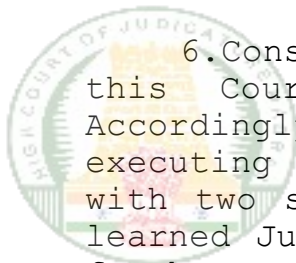
The petitioner, who was arrested and remanded to judicial custody on 30.12.2016 for the offences punishable under Section 379 of Indian Penal Code r/w 21(5) MMRD Act in Crime No.219 of 2016 on the file of the respondent police, seeks bail.

2.Heard the learned counsel for the petitioner and the learned Government Advocate(Crl. Side) for the respondent.

3.The case of the prosecution is that the petitioner has stolen 200 units of sand from pond and deposited the same to his bricks chamber illegally for the purpose of making brings.

4.The learned counsel for the petitioner would submit that the petitioner is the owner of the bricks chamber and he is manufacturing the bricks with the bond sand and has obtained licence for the said manufacturing process.

5.The learned Government Advocate(Crl. Side) on instructions would submit that the petitioner unlawfully deposited 200 units of bond sand worth about Rs.42,000/- for manufacturing bricks and that the investigation is pending. He would further submit that the petitioner was arrested and he is in custody from 30.12.2016 and there is no previous case against the petitioner herein.



6. Considering the above facts and circumstances of the case, this Court is inclined to grant bail to the petitioner. 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, Alangulam, Tirunelveli District and on further condition that:

[a] the petitioner shall deposit a sum of Rs.40,000/- to the credit of the Crime No.219 of 2016 within a period of two weeks from the date of receipt of a copy of this order.

[b] the petitioner shall report before the respondent police daily at 10.00 a.m., until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] 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/-
10/01/2017

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE JUDICIAL MAGISTRATE
ALANGULAM, TIRUNELVELI DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI

3 THE SUB INSPECTOR OF POLICE,
PAPPAKUDI POLICE STATION, TIRUNELVELI DISTRICT.

4 THE SUPERINTENDENT
CENTRAL PRISON, PALAYAMKOTTAI

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

+1. CC to M/S.A.UTHAYAKUMAR Advocate SR.No.1900

JAM/10.01.2017/SS 3/SAR 3/2P-7C

ORDER
IN
CRL OP(MD) No.307 of 2017
Date :10/01/2017