



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

Monday, the Twentieth day of March Two Thousand Seventeen

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) No.3126 of 2017

SAMUTHIRAPANDI @ THARMAR

... PETITIONER/ACCUSED NO.5

Vs

STATE REP.BY ITS,
THE INSPECTOR OF POLICE,
PULIANGUDI POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO.68 OF 2017.

... RESPONDENT/COMPLAINANT

For Petitioner : MR.R.J.KARTHICK Advocate

For Respondent : MR.K.V.RAJARAJAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

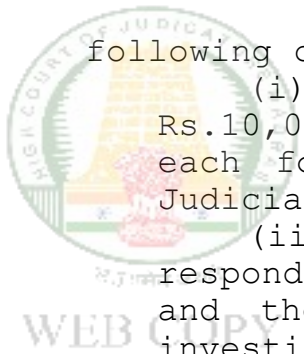
The petitioner/accused No.5, who was arrested on 21.02.2017 for the offences punishable under Sections 147, 294(b), 332, 353, 307, 506(ii) and 379 (sand theft) of I.P.C., in Crime No.68 of 2017 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that that on 21.02.2017 when the petitioner and other accused were unlawfully taking sand and transported the same without any valid permission through the Tractor, the police officials tried to stop them. However, without stopping the vehicle, one of the accused had driven the vehicle by trying to dash against the police officials and due to which a Head Constable fell down and sustained injuries all over his body and further, the accused persons have threatened the police officials with dire consequences.

3. The learned counsel for the petitioner submitted the petitioner is only a load man travelled in the above said Tractor and there is no specific overt act against the petitioner. He further submitted that the petitioner is falsely implicated in the case.

4. The Government Advocate (Crl.side) submits that the petitioner is arrayed as A5 in this case and the investigation is pending and A9 in this case was already enlarged on bail by this Court in Crl.O.P..(MD).No.2773 of 2017, vide order dated 16.03.2017.

5. Considering the 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 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 learned Judicial Magistrate, Sivagiri.

(ii) the petitioner is directed to appear before the respondent police daily at 10.30 a.m. until further orders and the petitioner is directed to co-operate with the investigation.

(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/-

20/03/2017

/ TRUE COPY /

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

TO

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

+1. CC to M/S.R.J.KARTHICK Advocate SR.No.15864

ORDER

IN

CRL OP(MD) No.3126 of 2017

Date :20/03/2017

CSL/SV-MMS/SAR-III/20.03.2017 : 2P/7C