



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

Friday, the Twenty Eighth day of July Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.9870 of 2017

1 NAGARAJ
2 SINGADURAI
3 JEYAKUMAR

... PETITIONERS / ACCUSED NO.3 to 5

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
SIKKAL-POLICE STATION,
RAMANATHAPURAM DISTRICT
(CR.NO.71 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.D.BALAMURUGAPANDI Advocate

For Respondent : MR.KS.DURAI PANDIAN Additional Public Prosecutor

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

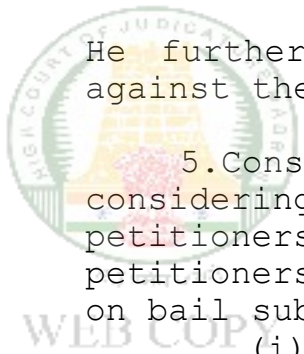
ORDER : The Court Made the following order :-

The petitioners / A3 to A5, who were arrested on 17.07.2017 for the offences punishable under Sections 465, 379, 511 IPC r/w Section 3(1) of PPDL Act in Crime No.71 of 2017 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners have illegally transported sand from a land in Survey No.323/1 by using lorry.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that the petitioners are driver of the vehicles and after completing their regular work, they were cleaning the their vehicles.

4.The learned Additional Public Prosecutor submitted that totally there are 5 named and one unnamed accused and the petitioners are arrayed as A3 to A5 in this case. He further submitted that A1 & A2 are still absconding and they have filed a petition for anticipatory bail before this Court and the same are pending. He also submitted that the vehicles along with sand were seized by the respondent Police and investigation is still pending.



He further submitted that there is no previous case is pending against the petitioners.

5.Considering the facts and circumstances of the case and considering the fact that no 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, Mudukulathur, Ramanathapuram District;

(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/-

28/07/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, MUDUKULATHUR, RAMANATHAPURAM DISTRICT.
- 2 THE CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM DISTRICT.
- 3 OFFICER IN CHARGE, DISTRICT JAIL, RAMANATHAPURAM.
- 4 THE INSPECTOR OF POLICE,
SIKKAL-POLICE STATION, RAMANATHAPURAM DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.D.BALAMURUGAPANDI Advocate SR.No.27514

ORDER

IN

CRL OP(MD) No.9870 of 2017

Date :28/07/2017