

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

Tuesday, the Twentieth day of June Two Thousand Seventeen

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) No.7315 of 2017

PARTHIPAN @ PATCHARISI PARTHIPAN

... PETITIONER / ACCUSED
Rank Not Known

Vs

THE STATE REPRESENTED BY ITS
THE INSPECTOR OF POLICE
SRIVAIKUNDAM POLICE STATION
TUTICORIN DISTRICT
CRIMENO. 123/2017

... RESPONDENT) / COMPLAINANT

For Petitioner : Mr.B.PERUMAL PRABHU Advocate

For Respondent : Mr.R.RAMACHANDRAN, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner/accused, who was arrested and remanded to judicial custody on 13.05.2017, for the alleged offences punishable under Sections 379, 294(b), 353, 506(ii) IPC r/w Section 3 of TNPPDL Act in Crime No.123 of 2017, on the file of the respondent/Police, seeks bail.

2. Heard Mr.B.Perumal Prabhu, learned counsel appearing for the petitioner/accused and Mr.R.Ramachandran, learned Additional Public Prosecutor appearing for the State.

3. The case of the prosecution is that on 13.05.2017, the petitioner/accused and others were illegally transporting river sand without any permission. When they were intercepted by the defacto-complainant, they abused the defacto-complainant with filthy language. Hence, the present case was registered against this petitioner and others for illicit mining of river sand at Kongarayakuruchi River bed, in Crime No.123 of 2017.

4.The learned counsel for the petitioner contended that the petitioner is no way connected with the alleged offence and has been falsely implicated in this case.

5. The learned Additional Public Prosecutor submitted that the accused and others were involved in illegal transportation of river sand and he further submitted that there are three previous

cases against this petitioner/accused, which all are of similar nature of transporting river sand illegally.

6. 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, Srivaikundam.
- (ii) the petitioner shall deposit a sum of Rs.5,000/- (Rupees five thousand only) to the credit of Crime No.123/2017 before the learned Judicial Magistrate, Srivaikundam.
- (ii) the petitioner shall report before the Investigating Officer, daily at 10.30 a.m., until further orders.
- (iii) the petitioner shall not tamper with 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 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 petitioners 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/-
20/06/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE,
SRIVAIKUNDAM, TUTICORIN DISTRICT
- 2 THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT
- 3 THE INSPECTOR OF POLICE
SRIVAIKUNDAM POLICE STATION
TUTICORIN DISTRICT

4 THE OFFICE INCHARGER,
DISTRICT JAIL, SRIVAIKUNDAM,
TUTICORIN DISTRICT

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

+1. CC to Mr.B.PERUMAL PRABHU Advocate SR.No.24759

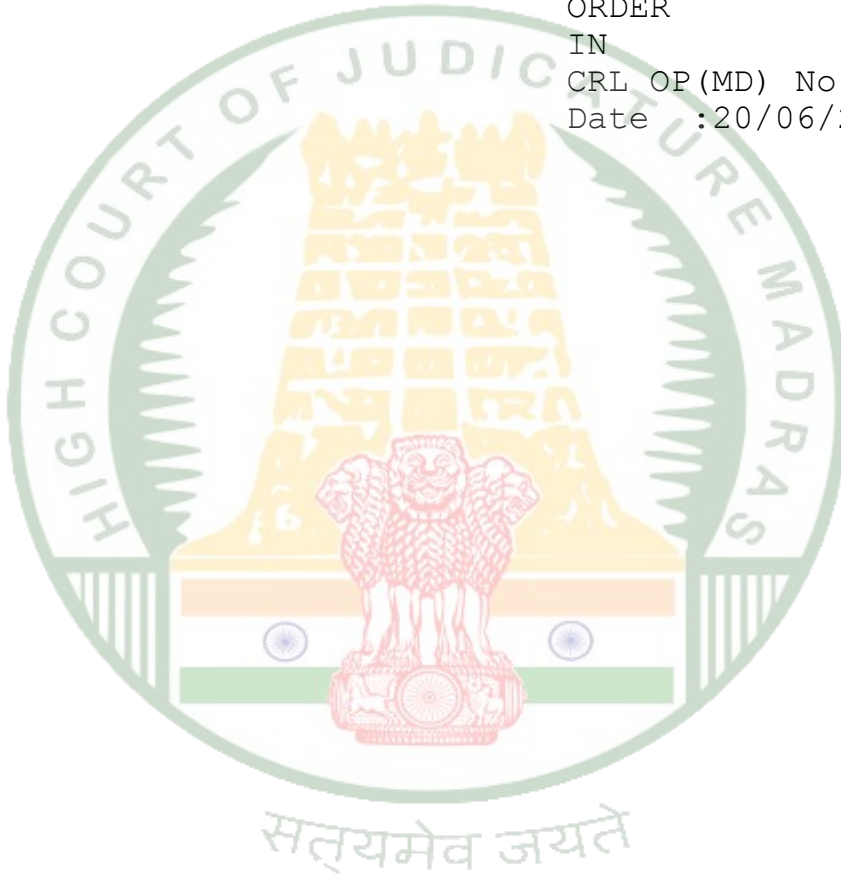
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ORDER

IN

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Date :20/06/2017



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