



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

Friday, the Fifth day of January Two Thousand Eighteen  
PRESENT

**The Hon`ble Mr.Justice R.PONGIAPPAN**

CRL OP(MD) No.129 of 2018

WEB COPY

SURESH

... PETITIONER/ ACCUSED NO.3

Vs

STATE REP.BY  
THE INSPECTOR OF POLICE  
NAINARKOIL POLICE STATION,  
RAMANATHAPURAM DISTRICT.  
IN CRIME NO. 279 OF 2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.JERIN MATHEW, Advocate  
For Respondent : M/S.K.S.DURAI PANDIAN, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner / A3, who was arrested on 17.12.2017 for the offence punishable under Sections 353, 379 and 430 of Indian Penal Code, Section 3 of the Tamil Nadu Public Property (Prevention of Damage & Loss Act), 1992 and Section 21 (1) of the Mines and Minerals (Development & Regulation) Act, 1957 in Crime No.279 of 2017 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner along with other accused have illegally transported the river sand in a tractor and trailer.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner is no way connected with the alleged offence and he is in judicial custody from 17.12.2017 onwards.

4.The learned Additional Public Prosecutor submitted that the said vehicle was seized and the investigation is still pending.

5.Considering the submissions made on either side, it seems that the petitioner was remanded to judicial custody for the offences punishable under Sections 353, 379 and 430 of Indian Penal Code, Section 3 of the Tamil Nadu Public Property (Prevention of Damage & Loss Act), 1992 and Section 21 (1) of the Mines and Minerals (Development & Regulation) Act, 1957 and he is in judicial custody from 17.12.2017. On perusal of the averments made in the FIR, except to waylaid the vehicle, no other overt act has been attributed against this petitioner. So, for the said offences,



custodial interrogation is not necessary for completing the investigation.

6. Considering the above facts and circumstances, 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.25,000/- (Rupees Twenty Five Thousand Only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Paramakudi;

(ii) the petitioner is directed to appear before the respondent police daily at 10.30 a.m. for a period of three weeks;

(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/-  
05/01/2018

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

TO

1. THE JUDICIAL MAGISTRATE, PARAMAKUDI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM.
3. THE OFFICER INCHARGE, SUB JAIL, MUTHUKULATHOR.
4. THE INSPECTOR OF POLICE  
NAINARKOIL POLICE STATION, RAMANATHAPURAM DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.M.JERIN MATHEW Advocate SR.No.216

ORDER IN  
CRL OP(MD) No.129 of 2018  
Date : 05/01/2018