



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

Monday, the Eighth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.241 of 2018

KANNAN @ KARUPPASAMY

... PETITIONER / ACCUSED RANK NOT KNOWN

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
SRIVAIKUNDAM POLICE STATION,
THOOTHUKUDI DISTRICT.
(CRIME NO. 359/2017)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.R.KATHIRESA PERUMAL Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

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

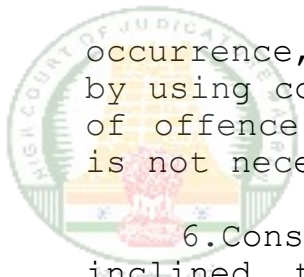
ORDER : The Court Made the following order :-

The petitioner / accused rank not known, who was arrested on 01.12.2017 for the offence punishable under Sections 147, 294(b), 353, 506(ii) and 379 of IPC and Section 3 of TNPPDL Act in Crime No.359 of 2017, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 18.11.2017, the petitioner and other accused illegally transported 40 bags of stolen river sand in tipper lorry. When the lorry was intercepted by the police, the accused persons abused the respondent's officials and caused life threat to them.

3.The learned counsel for the petitioner would submit that the petitioner did not commit any offence as alleged by the respondent police and there is no specific overtact against the petitioner. He would further submit that the petitioner was arrested on 01.12.2017 and is in judicial custody.

4.The learned Government Advocate (Criminal Side) submitted that the petitioner with other accused has transported the river sand and caused damages to the river bed. There are six previous cases pending against this petitioner, out of which one case is similar in nature.



occurrence, the petitioner and other accused stolen the river sand by using conny bags. The property which was used for the commission of offence is recovered. Accordingly, the 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, Srivaikundam.

(ii) the petitioner is directed to appear before the Judicial Magistrate, daily at 10.00 a.m. for the period of one month.

(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/-

08/01/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, SRIVAIKUNDAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3 THE OFFICER IN CHARGE,
DISTRICT PRISON, PERURANI.
- 4 THE INSPECTOR OF POLICE,
SRIVAIKUNDAM POLICE STATION, THOOTHUKUDI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.R.KATHIRESA PERUMAL Advocate SR.No.267

ORDER

IN

CRL OP(MD) No.241 of 2018

Date :08/01/2018