



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

Monday, the Second day of April Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) No.5025 of 2018

1 SIVARENGARAJ

2 SUDALAIMUTHUSAMY

... PETITIONERS / ACCUSED NO.2 & 3

Vs

THE STATE REP.BY,
THE SUB INSPECTOR OF POLICE
SANKARANKOVIL TOWN POLICE STATION,
SANKARANKOVIL, TIRUNELVELI DISTRICT
(CRIME NO. 184 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.S.PALANIVELAYUTHAM Advocate

For Respondent : MR.PRABU RAMACHANDRAN Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners are arrayed as Accused Nos.2 and 3, who were arrested and remanded to judicial custody on 14.03.2018 for the alleged offences punishable under Section 379 IPC and Section 21(1) of MMRD Act, 1957, in Crime No.184 of 2018, on the file of the respondent police and hence, seek bail.

2.The case of the prosecution is that on 14.03.2018 when the Village Administrative Officer of the concerned Village was on rounds, he found that the petitioners unlawfully quarried sand and transported the same without any valid permission through the Lorry and sold the same for higher price. On complaint, the case has been registered for the above said offences.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submitted that the petitioners are in judicial custody from 14.03.2018 and therefore, prays for bail in favour of the petitioners herein.

4.The learned Government Advocate (Criminal side) submitted that there is no previous case against the petitioners herein.



14.03.2018 and considering the submission of the learned Government Advocate (Criminal side) that there is no previous case against the petitioners herein, this Court is inclined to enlarge the petitioners on bail with certain conditions. Accordingly, the petitioners are ordered to be released on bail, subject to the following conditions:

- (i) Each of the petitioners 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, Sankarankovil, Tirunelveli District.
- (ii) The petitioners shall appear before the respondent as and when required.
- (iii) The petitioners shall not abscond.
- (iv) On breach of any of the aforesaid conditions, the learned 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 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/-
02/04/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE,
SANKARANKOVIL, TIRUNELVELI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE SUPERINTENDENT, CENTRAL PRISON,
PALAYAMKOTTAI, TIRUNELVELI DISTRICT.
- 4 THE SUB INSPECTOR OF POLICE
SANKARANKOVIL TOWN POLICE STATION,
SANKARANKOVIL, TIRUNELVELI DISTRICT
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.PALANIVELAYUTHAM Advocate SR.No.5239

ORDER IN
CRL OP(MD) No.5025 of 2018
Date :02/04/2018