



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

Thursday, the Fourth day of January Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.56 of 2018

KARUPPURAJA

... PETITIONER/SOLE ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
ABIRAMAM POLICE STATION,
RAMANATHAPURAM DISTRICT
(CRIME NO. 247/2017)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.S.JEYAKARTHIK Advocate

For Respondent : MR.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 / sole accused, who was arrested on 13.12.2017 for the offence punishable under Section 379 IPC and Section 21(4) of Mines & Minerals (Development and Regulation) Act in Crime No.247 of 2017 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner illegally took the river sand, without obtaining permission from the authorities concerned.

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 did not commit any offence as alleged by the prosecution and he is in judicial custody from 13.12.2017 onwards.

4.The learned Additional Public Prosecutor submitted that the alleged vehicle, which was used for the commission of offence was recovered 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 Section 379 IPC and Section 21(4) of Mines & Minerals (Development and Regulation) Act and he is in judicial custody from 13.12.2017. As of now, the property which was used for



the commission of offence was recovered. So in order to complete investigation, further custodial interrogation is not necessary.

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, Kamuthi.

(ii) the petitioner is directed to appear before the respondent police daily at 10.00 a.m. for a 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/-

04/01/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, KAMUTHI.
- 2 DO THRO THE CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM DISTRICT.
- 3 THE OFFICER INCHARGE, SUB JAIL, MUTHUKULATHUR.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 5 THE INSPECTOR OF POLICE, ABIRAMAM POLICE STATION,
RAMANATHAPURAM DISTRICT

+1. CC to M/S.M.S.JEYAKARTHIK Advocate SR.No.139

ORDER

IN

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Date : 04/01/2018