



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

Monday, the Seventeenth day of December Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.22254 of 2018

MOORTHY

... PETITIONER/ ACCUSED No.1

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
PALAYANUR POLICE STATION,
SIVAGANGAI DISTRICT
CR.NO.73/2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.V.KANNAN Advocate

For Respondent : Mr.S.CHANDRASEKAR, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

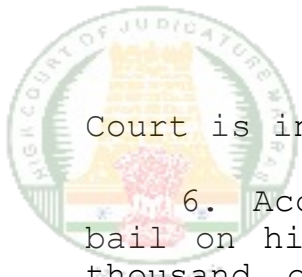
The petitioner, who was arrested and remanded to judicial custody on 01.12.2018 for the offences punishable under Section 21 (1) of Mines and Minerals (Development and Regulation) Act and 3(1) of TNPPDL Act and Section 379 of I.P.C in Crime No.73 of 2018, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner committed theft of 1 ½ unit of river sand.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. The learned counsel for the petitioner further submitted that he has been falsely implicated in this case.

4. The learned Additional Public Prosecutor would submit that the petitioner is the driver of the vehicle and he was found in possession of 1 ½ unit of river sand.

5. Considering the facts and circumstances of the case and also considering the period of incarceration of the petitioner, this



Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on his executing 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 Additional District Munsif cum Judicial Magistrate, Manamadurai, and on further condition that:

[a] the petitioner shall report before the respondent daily at 10.30 a.m., until further orders.

[b] the petitioner is directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand Only) to the Credit of Crime No.73 of 2018 before the concerned Magistrate.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] 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 petitioner 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
17/12/2018

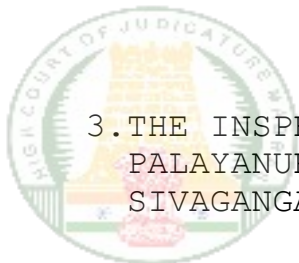
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE,
MANAMADURAI.

2. THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.



3. THE INSPECTOR OF POLICE,
PALAYANUR POLICE STATION,
SIVAGANGAI DISTRICT

4. THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

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

+1. CC to Mr.V.KANNAN Advocate SR.No.23392

ORDER

IN

CRL OP (MD) No.22254 of 2018

Date :17/12/2018

TK/PN.AC/SAR-4/17.12.2018/3P/7C