



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

Thursday, the Twenty Fifth day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.5767 of 2019

SARAVANAN

... PETITIONER / ACCUSED No.1

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
PARTHIBANOOR POLICE STATION,
RAMANATHAPURAM DISTRICT.
Crime No.66 of 2019

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.M.S.JEYAKARTHIK 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, who was arrested and remanded to judicial custody since 09.04.2019 for the offences punishable under Sections 379 of IPC and Section 3(1) of TNPPDL Act in Crime No. 66 of 2019, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner herein removed sand from the Government poramboke land and damaged the pond, thereby the respondent police registered a case.

3.The learned for the petitioner would submit that the petitioner is innocent person and he has not committed any offence as alleged by the prosecution. However, on instructions he would submit that the petitioner agreed to reconstruct and restructure the pond to the satisfaction of the Block Development Officer. Accordingly, he prayed for bail.

4.The learned Government Advocate (Crl.Side) would submit that since the petitioner has come forward to reconstruct and restructure the pond, this Court may pass appropriate orders.



5. Considering the facts and circumstances of the case and considering the period of incarceration and considering the fact that the petitioner has come forward to reconstruct and restructure the pond, this Court is inclined to grant bail to the petitioner.

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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, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate, Paramakudi and on further condition that:

(a) the petitioner is directed to reconstruct and restructure the pond to the satisfaction of the Block Development Officer and the Block Development Officer shall ensure the reconstruction of the pond

(b) the sureties shall affix their photographs and left thumb impression in the surety bond and the concerned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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]; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

sd/-
25/04/2019

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TO

1. THE JUDICIAL MAGISTRATE,
PARAMAKUDI.

2. THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3. THE INSPECTOR OF POLICE
PARTHIBANOOR POLICE STATION,
RAMANATHAPURAM DISTRICT.

4. THE OFFICER INCHARGE,
DISTRICT PRISON, RAMANATHAPURAM.

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

+1. CC to Mr.M.S.JEYAKARTHIK Advocate SR.No.7213

ORDER

IN

CRL OP (MD) No.5767 of 2019

Date :25/04/2019

TK/MMS/SAR-2/25.04.2019/3P/7C