

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

Thursday, the Sixth day of June Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) No.7708 of 2019

MAHARAJAN

... PETITIONER / ACCUSED
(RANK NOT KNOWN)

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
VALLIOOR POLICE STATION,
TIRUNELVELI DISTRICT,
CRIME NO.157/2019

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.T.A.EBENEZER Advocate

For Respondent : PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

This petition has been filed by Accused No.1 seeking bail for the alleged offence punishable under Section 379 of I.P.C in Crime No.157 of 2019.

2. Heard both sides. सत्यमेव जयते

3. The learned counsel for the petitioner has submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner has been arrested by the respondent police on 21.05.2019 and from that day onwards, he is in custody and hence, he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police has submitted that totally five accused involved in this case. He further submitted that the petitioner and other accused persons have illegally transported the ¼ unit of sand and no previous case is pending against the petitioner and hence, he strongly opposed this petition.

quantity of sand said to have been illegally transported is only $\frac{1}{4}$ unit and also the fact that the petitioner is in custody from 21.05.2019, this Court is inclined to grant bail to the petitioner by imposing conditions.

[a] 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 Judicial Magistrate, Vallioor;

[b] the petitioner shall deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of Crime No.157 of 2019 before the learned Judicial Magistrate, Vallioor, without prejudice his defence before the trial Court;

[c] the petitioner as well as the sureties shall submit a copy of their Aadhar Card or any other identity cards issued by the Government, in proof of their address, along with the surety bonds;

[d] the petitioner shall report before the respondent police daily at 10.00 a.m., for a period of three weeks and thereafter as and when required for the interrogation;

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

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

[g] 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].

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

sd/-

06/06/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE,
VALLIOOR.

<https://hcservices.ecourts.gov.in/hcservices/>
2 TO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

3 THE INSPECTOR OF POLICE,
VALLIOOR POLICE STATION,
TIRUNELVELI DISTRICT.

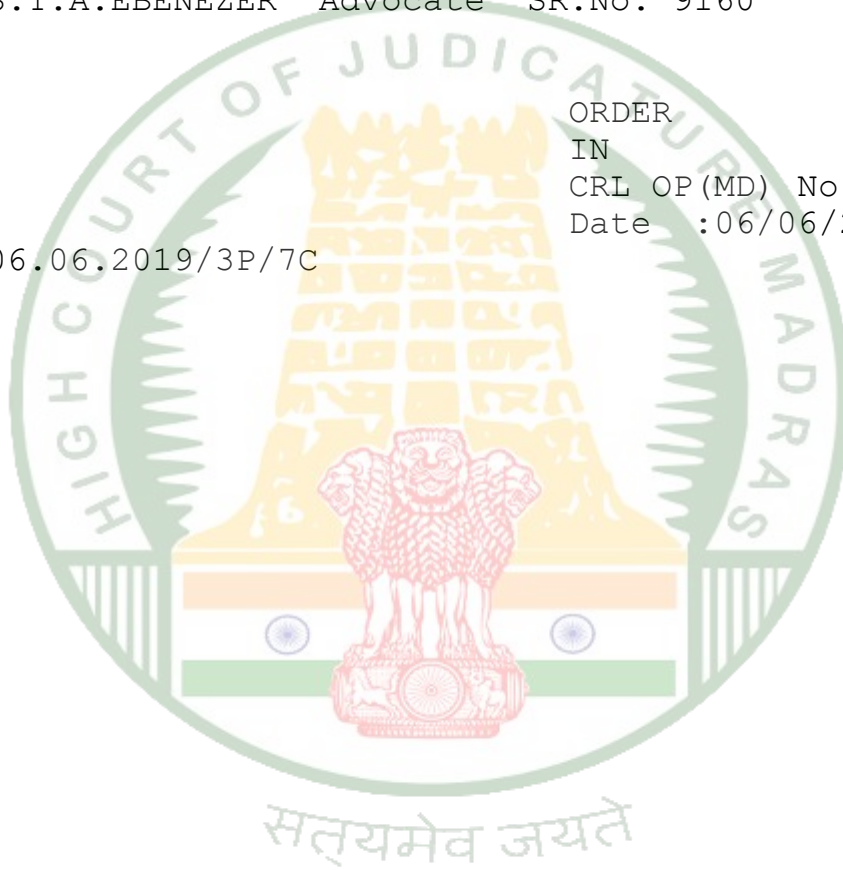
4 THE SUPERINTENDENT,
CENTRAL PRISON,
PALAYAMKOTTAI.

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

+1. CC to M/S.T.A.EBENEZER Advocate SR.No. 9160

ORDER
IN
CRL OP (MD) No.7708 of 2019
Date :06/06/2019

JM/VR/SAR 1/06.06.2019/3P/7C



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