



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/07/2019

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PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.10527 of 2019

Arunachalam

... Petitioner/Accused No.3

Vs

State rep. by
The Inspector of Police,
Seethaparpanallur Police Station,
Tirunelveli District
Cr. No. 93/2019.

... Respondent/Complainant

For Petitioner : M/s.S.R.A.Ramachandran,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

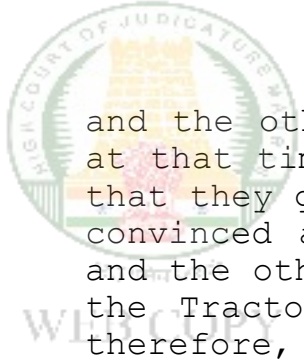
For Bail in crime No. 93 of 2019 on the file of the Respondent Police.

ORDER : The Court Made the following order :-

The petition has been filed by Accused Nos.3 seeking bail for the alleged offence punishable under Section 147, 294 (b), 353, 307, 506 (ii) and 379 of IPC, in Crime No.93 of 2019 .

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that A1 got valid permit for taking soil from Sirukkankurichi pond and only in pursuance of the said permit, the petitioner along with other accused persons tried to take soil in the said pond on 11.07.2019 at about 09.00 a.m and at that time, the respondent police came there in mufti and questioned the petitioner



and the other accused persons as to how they can take the soil and at that time the petitioner and other accused persons informed them that they got valid permit. Even then, the respondent police are not convinced and lodged a false complaint stating that the petitioner and the other accused persons attempted to kill them by hitting with the Tractor. He further submitted that A1 had valid permit, and therefore, he prayed to grant bail to the petitioner. The copy of the permit issued by the Tahsildar, Tirunelveli, in favour of A1 was already produced in CrI.OP(MD)No.10083 of 2019. Based on the same, anticipatory bail was granted to A1 & A2. Further, the petitioner is in judicial custody from 12.07.2019. Hence, he prayed to grant bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent has submitted that when the petitioner and other accused persons tried to take soil in the said pond, the respondent police asked them to show the permit. But, instead of showing the said permit the accused persons tried to kill them by hitting with the Tractor and criminally intimidated them and hence, he strongly opposed this petition. However, he fairly conceded that the A1 got valid permit to take soil from the concerned pond.

5.A perusal of the copy of the permit produced by the learned counsel for the petitioner in CrI.OP(MD)No.10083 of 2019 shows that the Tashildar, Tirunelveli gave permit to the first petitioner for taking soil from the Sirukkankurichi pond from 10.07.2019 to 11.07.2019. So, the petitioner and the accused persons had valid permit to take the soil from the said pond. Taking into consideration of the said fact and also the fact that no one has sustained any injury and also the fact that the petitioner is in judicial custody from 12.07.2019, this Court is inclined to grant bail to the petitioner.

[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 The Judicial Magistrate, Alangulam.

[b] the petitioner shall report before the respondent police, daily at 10.30 a.m for a period of one month and thereafter, as and when required for the interrogation.

[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.

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

TO

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

+1 CC to M/s.S.R.A.Ramachandran, Advocate, SR.No.12394

ORDER
IN
CRL OP(MD) No.10527 of 2019
Date :26/07/2019

dss
JMN/VR/SAR-1/29.07.2019/3P-7C