



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

Friday, the Sixth day of September Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) No.12482 of 2019

SHANMUGA DURAI

... PETITIONER /1st ACCUSED

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
SEEVALAPERI POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO.135 OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.T.LENIN KUMAR Advocate

For Respondent : MR.A.P.G.OHM CHAIRMA PRABHU,
Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

Heard the learned counsel appearing for the petitioner and learned Government Advocate(Crl. Side) appearing for the respondent.

2.The petitioner was implicated as accused in Crime No.135 of 2019 registered on the file of the respondent for the offences under Sections 353, 307 and 379 of IPC. The petitioner surrendered on 16.08.2019 and remanded to custody. Hence, he seeks bail.

3.The learned Government Advocate (Crl.side) opposes the bail petition by pointing out the bad antecedents of the petitioner.

4.Since the petitioner is not having any previous case of sand theft, I am inclined to grant bail to the petitioner. Accordingly, he is enlarged on bail subject to the following conditions:-

(i) the petitioner shall execute 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 Judicial Magistrate No.111, Tirunelveli.



(ii) the petitioner shall appear before the respondent police as and when required for interrogation.

(iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.

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iv) the petitioner shall not abscond either during investigation or trial.

[v] 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].

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

sd/-

06/09/2019

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

TO

1 THE JUDICIAL MAGISTRATE NO.III,
TIRUNELVELI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

3 THE INSPECTOR OF POLICE,
SEEVALAPERI 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.LENIN KUMAR, Advocate (SR-14973[I] dated
06/09/2019)

ORDER

IN

CRL OP(MD) No.12482 of 2019

Date :06/09/2019