



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 15/06/2020

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PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) . No.6240 of 2020

VIJIKUMAR

... PETITIONER/ACCUSED NO.2

VS

STATE REP. BY  
THE SUB-INSPECTOR OF POLICE,  
PUDUKADAI POLICE STATION,  
KANYAKUMARI DISTRICT.  
CRIME NO. 258 OF 2020.

... RESPONDENT/COMPLAINANT

For Petitioner : M/s. K.P.Narayanakumar,  
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,  
Government Advocate (Crl.Side)

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

PRAYER :-

To enlarge the petitioner on bail in Cr.No. 258 of 2020 on the file of the Respondent Police.

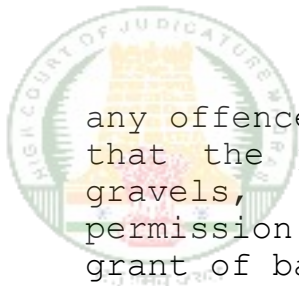
ORDER : The Court made the following order :-

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

2. The petitioner is arrayed as accused No.2. He was arrested and remanded to Judicial Custody on 24.05.2020, for the offence punishable under Section 379 of I.P.C., in Crime No.258 of 2020, on the file of the respondent police. He seeks bail.

3. The case of the prosecution is that the petitioner illegally transported one unit of red sand in a vehilce viz., Mahendra Tipper, bearing Reg.No.TN-75-AF-0822, without any valid permit.

4. The learned counsel appearing for the petitioner would  
<https://hcs.judiciary.gov.in/hcs/notice> petitioner is an innocent and he has not committed



any offence, as alleged by the prosecution. He would further submit that the petitioner has not transported any red soil, but only gravels, for agricultural purpose, from the patta land with the permission of the land owners. Hence, the learned counsel prays for grant of bail in favour of the petitioner.

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5. The learned Government Advocate (crl.side) appearing for the State, on instructions, would submit that the petitioner is arrayed as A2 in this case and he along with other accused illegally transported one unit of red sand in a vehilce viz., Mahendra Tipper, bearing Reg.No.TN-75-AF-0822, without any valid permit. He would further submit that the earlier bail application filed by the petitioner was dismissed by the Court below. He also submitted that investigation is in initial stage.

6. Considering the facts and circumstances of the case and taking note of the submission made by the learned Government Advocate (crl.side) that investigation is in initial stage, I am not inclined to grant bail to the petitioner, at this stage. Hence, this Criminal Original Petition stands dismissed.

sd/-  
15/06/2020

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/ /2020  
Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

TO

- 1 THE SUB-INSPECTOR OF POLICE  
PUDUKADAI POLICE STATION,  
KANYAKUMARI DISTRICT.
- 2 THE SUPERINTENDENT,  
CENTRAL JAIL, PALAYAMKOTTAI.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER  
IN  
CRL OP(MD) No.6240 of 2020  
Date :15/06/2020

MPK  
JM/PN/SAR 2/23.06.2020/2P/4C