



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

Date : 06/01/2020

PRESENT

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

CRL OP(MD). No.19533 of 2019

Vairamuthu

... Petitioner/Accused No.1

Vs

State rep.by
The Sub Inspector of Police,
Kariyapatti Police Station,
Virudhunagar District.
(In Crime No.419 of 2019).

... Respondent/Complainant

For Petitioner : M/s.A.Balaji,
Advocate.

For Respondent : M/s.M.Anandha Devi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No. 419/2019 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 in custody since 17.12.2019 for the offences punishable under sections 307, 109 and 379 of IPC r/w 21(5) of Mines and Minerals Act, 1957, in Crime No.419 of 2019 on the file of the respondent police. He seeks bail.

3. The learned Government Advocate (Crl.side) states that 2 ½ units of river sand is involved and that, the petitioner is having one previous case. The learned Government Advocate (Crl.side) would request this Court to adjourn the proceedings for few days as they are proposing to detain the petitioner under Tamil Nadu Act 14 of 1982.



4.I am not inclined to grant adjourn on this ground. If the authorities is of the view that the petitioner would act in a manner detrimental to public order, they can always detain him under Tamil Nadu Act 14 of 1982, even if the petitioner is let out on bail. I am, therefore, of the view that the respondent police should rather concentrate on filing a final report at the earliest and ensuring that the prosecution is fast tracked. I am of the view that the continued incarceration of the petitioner is not going to serve any purpose.

5. Taking note of the facts and circumstances of this case, I am inclined to enlarge the petitioner on bail with certain conditions. Accordingly, the petitioner is ordered to be released 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.II, Virudhunagar.

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

(iii) 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].

sd/-
06/01/2020

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

TO

1 THE JUDICIAL MAGISTRATE NO.II,
VIRUDHUNAGAR

2 -DO-THRO- THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.



3 THE OFFICER INCHARGE,
DISTRICT PRISON, VIRUDHUNAGAR.

4 THE SUB INSPECTOR OF POLICE
KARIYAPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1 CC to M/s.A.BALAJI, Advocate (SR-209[I] dated 06/01/2020)

ORDER
IN
CRL OP(MD) No.19533 of 2019
Date :06/01/2020

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ES/VR/SAR 3/06.01.2020/3P/7C