



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 02/01/2020

PRESENT

WEB COPY

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

CRL OP(MD) . No.19645 of 2019

Vijaya Kumar ... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Thuckalay Police Station,
Kanyakumari District. (Crime No.642/2019).

... Respondent/Complainant

For Petitioner : M/s. G. Aravinthan,
Advocate.

For Respondent : Ms.M.Anantha Devi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No. 642/2019 on the file of the Respondent Police.

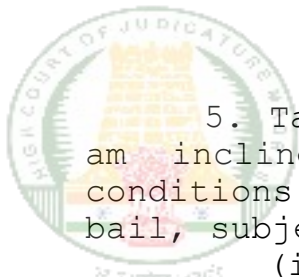
ORDER : The Court made the following order :-

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 23.12.2019 for the offences punishable under sections 379 of IPC and 21(1) of Mines and Minerals Act, 1957, in Crime No.642 of 2019 on the file of the respondent police. He seeks bail.

3. The contraband involved is three units of sand. The learned counsel for the petitioner produced a transport permit claiming that the petitioner had permit to transport the sand in question. But then, it is seen that the date of delivery is 17.12.2019. The petitioner was arrested only on 23.12.2019. Therefore, I refuse to give any credence to the permit produced by the learned counsel for the petitioner.

4. Be that as it may, the petitioner is not having any previous case. The learned counsel for the petitioner on instruction gives an undertaking that he will remit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) as a non refundable deposit to the credit of the concerned District Mineral Foundation Trust.



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 Court No.I, Padmanabapuram, Kanyakumari District.

(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/-

02/01/2020

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.I,
PADMANABAPURAM, KANYAKUMARI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAMUMARI DISTRICT AT NAGERCOIL.

3 THE OFFICER INCHARGE,
DISTRICT PRISON, NAGERCOIL, KANYAKUMARI DISTRICT.

4 THE INSPECTOR OF POLICE,
THUCKALAY POLICE STATION, KANYAKUMARI DISTRICT.

5 THE DISTRICT MINERAL FOUNDATION TRUST, KANYAKUMARI DISTRICT.

6 ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.G.ARAVINTHAN, Advocate (SR-37[I] dated 02/01/2020)

ORDER

IN

CRL OP(MD) No.19645 of 2019

Date :02/01/2020