



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/12/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.20355 of 2021

1. Kuthalingam
2. Mohamed Mohideen
3. Durairaj
4. Muthumari

... Petitioners/Accused No.1 to 4

Vs

State Rep.by
The Inspector of Police,
Suthamalli Police Station,
Suthamalli,
Tirunelveli District.
(Crime No.433/2021).

... Respondent/Complainant

For Petitioners: M/s.Pragalathan.N,
Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.433 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused No.1 to 4 herein, who were arrested on 01.12.2021 for the alleged offence under Section 379 (Sand Theft) of IPC, in Crime No.433 of 2021, on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 01.12.2021, at about 12.00 p.m, the petitioners have illegally transported 2 units of Saralai Sand by using JCB and Tipper Lorry. Therefore, the present case came to be registered.

3.The learned counsel for the petitioners submitted that the persons are innocent persons and they were falsely implicated in



this case and they have not committed any offence as alleged by the prosecution. He further submitted that A5, who is the owner of the vehicle, was released on anticipatory bail by this Court. Hence, he seeks bail to the petitioners.

4.The learned Additional Public Prosecutor submitted that there are totally 5 accused involved in this case. The petitioners herein, are arrayed as A1 to A4. The fifth accused, who is the owner of the vehicle, was granted anticipatory bail, by this Court, on 15.12.2021, on the ground that his name was not mentioned in the First Information Report. There is no previous case against this petitioners and investigation is still pending.

5.Considering the period of incarceration and also considering the fact that the petitioners are not having any previous case similar in nature, this Court is inclined to grant bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail, on executing a personal bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate Court, Cheranmahadevi, Tirunelveli District, and on further condition that the petitioners shall report before the respondent police daily at 10.30 a.m. until further orders.

sd/-
21/12/2021

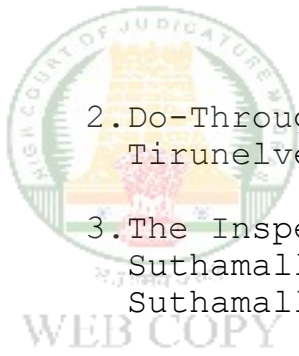
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21/12/2021
Sub-Assistant Registrar (C.S.II)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1.The Judicial Magistrate,
Cheranmahadevi, Tirunelveli District.



- 2.Do-Through The Chief Judicial Magistrate,
Tirunelveli District.
- 3.The Inspector of Police,
Suthamalli Police Station,
Suthamalli, Tirunelveli District.
- 4.The Officer In-charge,
Sub-Jail, Srivaikundam,
Thoothukudi District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN
CRL OP(MD) No.20355 of 2021
Date :21/12/2021

RS/PN/SAR2(21.12.2021) 3P-6C