



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.05.2022

CORAM:

THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

Crl.O.P.No.11185 of 2022

Senthilkumar

.. Petitioner

Vs.

State rep by:

.. Respondent

The Inspector of Police Station,
A.Pallipatti Police Station,
Dharmapuri.
Crime No.58 of 2022.

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in Crime No.58 of 2022 on the file of the A.Pallipatti Police Station, the respondent herein.

For Petitioner : Mr.S.Apunu

For Respondent : Mr.A.Gopinath
Government Advocate (crl.side)

ORDER

The petitioner who was arrested and remanded to judicial custody for the offences under section 379 IPC in Crime No.58 of 2022 on the file of the respondent police seeks bail.

2. The case of the prosecution is that on 21.04.2022, the petitioner was found illegally transporting 1 ½ units of Red sand by using Tractors and JCB without any valid permit. Hence, the respondent police seized the vehicle and registered the complaint.

3. Learned counsel for the petitioner would submit that the petitioner is a daily wager and he has been falsely implicated in this case. Hence, he prays for grant of bail to the petitioner.



4. Learned Government Advocate (Crl. Side) appearing for the respondent police raised objection for granting bail to the petitioner stating that the petitioner had illegally transported 1 ½ units of red sand and he was arrested on 21.04.2022.

5. Considering the facts and circumstances of the case and the period of incarceration, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions;

(a) the petitioner shall execute a bond for a sum of **Rs.50,000/- (Rupees Fifty Thousand only)** with two sureties, each for a like sum to the satisfaction of the learned **Judicial Magistrate, Pappireddipatti;**

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) **the petitioner shall appear before the respondent police for once in two weeks until further orders;**

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Judicial 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];

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
12/05/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.



1 THE JUDICIAL MAGISTRATE,
PAPPIREDDIPATTI.

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
A.PALLIPATTI POLICE STATION,
HARMAPURI.

5 THE OFFICER INCHARGE
SUB JAIL, HARUR, DHARMAPURI DISTRICT.

+2 CC to M/S. S.APUNU Advocate on payment of necessary charges
SR.NO.7059

CRL OP.11185/2022

Date :12/05/2022

TA-12/05/2022.