



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/10/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.17682 of 2022

S.Paramasivam

... Petitioner/

Accused (Rank not known)

Vs

The State rep.by,
The Inspector of Police,
Muthaiahpuram Police Station,
Thoothukudi District.
Crime No. 14/2022.

... Respondent/Complainant

For Petitioner : M/s.Raamakrishnan.KA,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.14 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 18.09.2022 for the offences punishable under Sections 379, 380, 447 of IPC and 21(5) of MMDR Act, in Crime No.14 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 09.01.2022, when the defacto complainant, who is the Assistant Director of Mines and Minerals Department, along with other officials checked the stock of the minerals like semi processed garnet and processed garnet in the BMC godown, situated at Mullakad Part-II in Survey No.651/3, which were stored from 27.11.2017 onwards and found that 17,240 tons of semi processed Garnet Illuminate and 2404 tons of processed and 87 tons of processed Garnel were missing. On enquiry, it came to know that the owner of the godown along with other accused trespassed into the BMC godown and stolen the properties in three occasions from 27.11.2017 to 09.01.2022 by lorries. Hence, the complaint.



3. The learned counsel for the petitioner would submit that based on the confession statement of the co-accused, the petitioner has been falsely implicated in this case and he is an innocent person and he has nothing to do with the alleged offence. He would further submit that the co-accused were already released on bail and the petitioner is in judicial custody from 18.09.2022 and therefore, the petitioner may be granted bail.

4. The learned Government Advocate(Crl.Side) submitted that the petitioner is the in-charge of the godown and he has loaded the sand bags in the vehicle. He would further submit that the investigation is still pending and the custodial interrogation of the petitioner is very much necessary in this case. Hence, he strongly opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the seriousness and gravity of offence and also the facts that investigation is still pending and the custodial interrogation of the petitioner is very much necessary in this case as stated by the learned Additional Public Prosecutor, this Court is not inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this Criminal Original Petition is dismissed.

sd/-

11/10/2022

/ TRUE COPY /

/10/2022

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

cp

TO

1. THE OFFICER IN CHARGE,
PERURUANI JAIL, TUTICORIN,
TUTICORIN DISTRICT.

2. THE INSPECTOR OF POLICE,
MUTHAIAHPURAM POLICE STATION,
THOOTHUKUDI DISTRICT.

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

ORDER IN

CRL OP(MD) No.17682 of 2022

Date : 11/10/2022

RK/SBN/SAR-1 (14/10/2022) 2P/4C