



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 01/11/2022
PRESENT

WEB COPY

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

CRL OP(MD) . No.19211 of 2022

S.Paramasivam

... Petitioner/Accused
(Rank Not Known)

Vs

The State rep.by
The Inspector of Police,
Muthaiahpuram Police Station,
Thoothukudi District.
Cr.No.11/2022.

... 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.

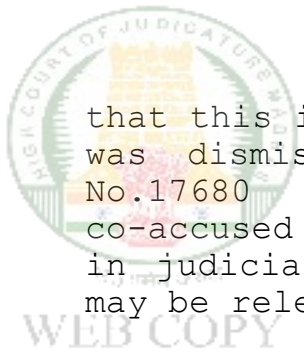
PRAYER :- For Bail in Crime No.11/2022 on the file of the Respondent police.

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 380, 441, 447 and 511 IPC and Section 21(4) of MMDR Act, in crime No.11 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 08.01.2022, the de-facto complainant, who is the Assistant Director of Mines and Minerals Department got an information from the Village Administrative officer that some persons were tried to commit theft of garnet sand from the godown situated at Mullakad Part-II in S.No.651/3, which is under the custody of the de-facto complainant. Hence, a raid was made by him to the said godown and found that some persons were making an attempt to take away the garnet sand from the godown. 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 innocent and he has nothing to do with the alleged offence He would further submit



that this is the second bail application and the earlier application was dismissed by this Court, dated 11.10.2022 in Crl.O.P.(MD) No.17680 of 2022. He would further submit that the co-accused have already been released on bail and the petitioner is in judicial custody from 18.09.2022 and therefore, the petitioner may be released on bail.

4.The learned Additional Public Prosecutor would submit that totally six accused in this case and the petitioner is arrayed as A5 in this case. The petitioner is the in-charge of the godown and he attempted to remove the garnet sand from the godown and he is not having any previous case. He would further submit that six witnesses have already been examined and the investigation is still pending and hence, he strongly opposed to grant bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the period of incarceration and also the facts that the co-accused have already been released on bail and the petitioner is not having any bad antecedents and six witnesses have already been examined, this Court is inclined to grant bail to the petitioner on certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing 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, Thoothukudi District.

(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii)the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(iii)the petitioner shall not tamper with evidence or witness;

iv)the petitioner shall not abscond during trial.

v)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/-

01/11/2022

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01/11/2022

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



TO

1 THE JUDICIAL MAGISTRATE NO.II,
THOOTHUKUDI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUUDI DISTRICT.

3 THE OFFICER INCHARGE
PERURUANI JAIL, TUTICORIN DISTRICT.

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

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

+1. CC to M/S.RAAMAKRISHNAN KA Advocate SR.No.12199

ORDER

IN

CRL OP(MD) No.19211 of 2022

Date :01/11/2022

SJI

SA/SBN/SAR. /01.11.2022/3P/7C