



Crl.O.P.No.11224 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.05.2023

CORAM

THE HONOURABLE MR. JUSTICE A.A. NAKKIRAN

Crl.O.P.No.11224 of 2023

Azhagan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Edaiyur Police Station,
Thiruvarur District.
(Crime No.157 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail, in Crime No.157 of 2023, on the file
of the respondent police.

For Petitioner : Mr.P.Muthamizh Selvakumar

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 30.04.2023, in connection with Crime No.157 of 2023 registered for the



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offence punishable under Sections 379 of IPC r/w 21(1) of Mines and Mineral (Development and Regulation Act), 1957 seeks bail.

2.The case of the prosecution is that the petitioner had involved in theft of river sand in three gunny bags worth about Rs.700/- without any proper license or permission. Hence, the case.

3.Learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner is in judicial custody for the past 18 days. Hence, he prayed for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner had involved in theft of river sand in three gunny bags worth about Rs.700/- without any proper license or permission as per the FIR. He further submits that the petitioner has no previous case pending against him. However, he opposed for grant of bail to the petitioner.



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5.Considering the facts and circumstances of the case and also considering the fact that the petitioner is in incarceration for the past 18 days and there is no bad antecedents against the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate Court, Thiruthuraipoondi**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent Police daily at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;



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[e] 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]*;

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

17.05.2023

drl

To

1. The Judicial Magistrate,
Thiruthuraipoondi
2. The Inspector of Police,
Edaiyur Police Station,
Thiruvarur District.
3. The District Prison,
Thiruvarur.
4. The Public Prosecutor,
High Court of Madras.



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A.A.NAKKIRAN, J.

drl

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