



WEB COPY

CRL OP(MD)



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/01/2023

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.921 of 2023

Sankar

... Petitioner/Accused No.1

Vs

The state rep.by
The Inspector of Police,
Kadayam Police Station, Kadayam,
Tenkasi District.
Crime No.7 of 2023.

... Respondent/Complainant

For Petitioner : M/s.Ponraj P,
Advocate.

For Respondent : Mr.T,Senthil Kumar,
Additional Public Prosecutor

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

PRAYER :-For Bail in Crime No.7 of 2023 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 05.01.2023, for the offence punishable under Section 379IPC, in Crime No. 7 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 05.01.2023 the accused persons had illegally transported 1 ½ unit of red sand, without any valid permit. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is innocent and he has not committed any offence, as alleged by the prosecution. The petitioner is in judicial custody from 05.01.2023. Hence, prays to release the petitioner on bail.

4.The learned Additional Public Prosecutor would submit that though the petitioner is not having any previous case at his credit, the accused persons had illegally transported mineral. Hence, he strongly opposed to grant bail to the petitioner.



5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. Taking into consideration the facts and circumstances of the case and considering the period of incarceration undergone by the petitioner and also considering the fact that the petitioner is not having any bad antecedent, this Court is inclined to grant bail to the petitioner on certain conditions.

(a) Accordingly, the petitioner shall make a non refundable deposit of Rs.10,000/- (Rupees Ten Thousand only) by way of Demand Draft/RTGS/NEFT to the credit of the **District Mineral Foundation Trust concerned**, without prejudice to his rights and contentions before the trial Court, on such deposit and production of proof, the petitioner is ordered to be released on bail on condition to execute 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, Ambasamuthiram, Tenkasi District**, and on further conditions that:

(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 report before the respondent Police daily at 10.30 a.m., until further orders;

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

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

(g) 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]**;

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

sd/-

11/01/2023

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11/01/2023

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



TO

1 THE JUDICIAL MAGISTRATE,
AMBASAMUTHIRAM, TENKASI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE
KADAYAM POLICE STATION, KADAYAM,
TENKASI DISTRICT.

4 THE OFFICER INCHARGE,
SUB JAIL, AMBASAMUTHIRAM, TENKASI DISTRICT.

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

COPY TO:

THE OFFICER INCHARGE,
THE DISTRICT MINERAL FOUNDATION TRUST, TENKASI DISTRICT.

+2 CC to M/s.PONRAJ P, Advocate (SR-571[I] dated 11/01/2023)

ORDER

IN

CRL OP(MD) No.921 of 2023

Date :11/01/2023

PNM

MK/SSS/SAR (11.01.2023) 3P 9C