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CRL OP(MD).



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/01/2023

PRESENT

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

CRL OP(MD) . No.1076 of 2023

Sudalai @ Sudalaimuthu

... Petitioner/Accused No.2

Vs

State Rep.by
The Inspector of Police,
Vijayanarayanam Police Station,
Tirunelveli District.
Crime No.66 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Susi Kumar C, Advocate.
For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

PRAYER :-

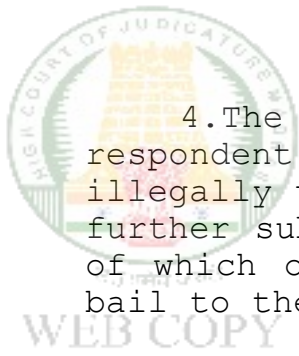
For Bail in Crime No.66 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 09.01.2023 for the offence punishable under Sections 379 of IPC(Sand theft) in Crime No.66 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 24.07.2022 the accused persons illegally transported one unit of sand in Mahindra Tractor. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner, without prejudice to his defence, is ready and willing to deposit a sum of Rs.20,000/- to any welfare scheme. Hence, he seeks for bail.



4.The learned Additional Public Prosecutor appearing before the respondent would submit that on 24.07.2022 the accused persons illegally transported one unit of sand in Mahindra Tractor. He would further submit two previous case is pending against the petitioner, of which one case is similar in nature. Hence he opposed to grant bail to the petitioner.

5.Heard. Perused the materials available on record including the First Information Report.

6.Taking into consideration of the facts and submissions made by the learned counsels and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7.Accordingly, the petitioner shall make a donation/non-refundable deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) to the credit of **Women Advocates Association, Madurai Bench of Madras High Court (Account No:6477041768, IFSC Code:- IDIB00H040, Indian Bank, High Court Branch, Madurai)** for the purpose of maintaining creche without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgement before the trial Court. However, it is made clear that the deposit being made by the petitioner, would not amount of admission of guilt by him.

9.On production of proof of such receipt/acknowledgement, 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, Nanguneri, and on further conditions that:

(a) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Special Court/concerned Court 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 commit any offences of similar nature;

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

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

(f) on breach of any of the aforesaid conditions, the Special Court/concerned 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 Special Court/concerned Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala** [(2005)AIR SCW 5560];



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(g) if the accused thereafter abscond, a fresh FIF registered under Section 229A IPC.

sd/-
19/01/2023

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19/01/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

TO

- 1 THE JUDICIAL MAGISTRATE, NANGUNERI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
- 3 THE SUPERINTENDENT, CENTRAL JAIL, PALAYAMKOTTAI,
TIRUNELVELI DISTRICT.
- 4 THE INSPECTOR OF POLICE, VIJAYANARAYANAM POLICE STATION,
TIRUNELVELI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE OFFICER INCHARGE,
WOMEN ADVOCATES ASSOCIATION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.SUSI KUMAR C, Advocate (SR-817[I] dated 19/01/2023)

ORDER
IN
CRL OP(MD) No.1076 of 2023
Date :19/01/2023

RS/SSS/SAR.(19.01.2023) 3P-8C