



WEB COPY

CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/02/2023

PRESENT

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

CRL OP(MD) . No.2066 of 2023

Rathina Sabapathy

... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
Kadayam Police Station,
Kadayam, Tenkasi District.
Crime No.30 of 2023.

... Respondent/Complainant

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

For Respondent : Mr.Tsenthilkumar,
Additional Public Prosecutor

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

PRAYER :-

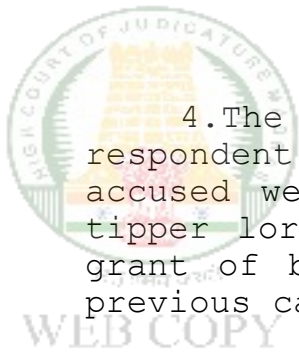
For Bail in Crime No.30 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 23.01.2023 for the offences punishable under Section 379 IPC (sand theft) in Crime No.30 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 23.01.2023 the petitioner along with other accused were illegally transporting two units of saral sand in a tipper lorry bearing Reg. No.TN 76 AS 2219 Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner is in custody from 23.01.2023, hence he seek bail.



4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner along with other accused were illegally transporting two units of saral sand in a tipper lorry bearing Reg. No.TN 76 AS 2219. Hence, he opposed for grant of bail to the petitioner. He would further submit that no previous case is pending against the petitioner.

5.In reply the learned counsel for the petitioner would submit that no previous case is pending against the petitioner and the petitioner is ready to abide by any stringent conditions that may be imposed by this Court and without prejudice to his defence he is also ready to make a donation of Rs.10,000/- for any welfare scheme of the Government. Hence he seeks bail.

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

7.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:

(a) Accordingly, 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, Ambasamudram, Tenkasi District and on further conditions that:

(b) the petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) as non refundable deposit by way of Demand Draft/RTGS/NEFT to the concerned District Mineral Foundation Trust and that the receipt of such deposit shall be produced before the concerned Magistrate at the time of executing the bond

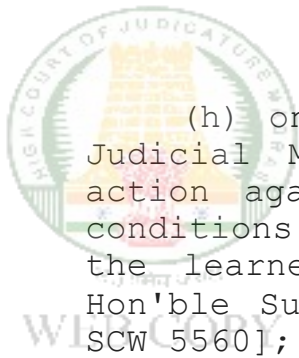
(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

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

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

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

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



(h) on breach of any of the aforesaid conditions, the 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];

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

sd/-

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02/02/2023

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

AAV

TO

- 1 THE JUDICIAL MAGISTRATE, AMBASAMUDRAM, TENKASI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
- 3 THE OFFICER INCHARGE, SUB JAIL, AMBASAMUTHIRAM, THENKASI DISTRICT.
- 4 THE INSPECTOR OF POLICE, KADAYAM POLICE STATION, KADAYAM, TENKASI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

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

+1 CC to M/s.P.PONRAJ, Advocate (SR-1625[I] dated 02/02/2023)

ORDER

IN

CRL OP(MD) No.2066 of 2023

Date :02/02/2023

RS/SSS/SAR.(02.02.2023) 3P-8C