



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.03.2023

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRACRL.O.P(MD)No.3925 of 2023

WEB COPY

Muthukalyani

... Petitioner/Accused 3

-VS-

The State represented by
The Inspector of Police,
Murappanadu Police Station,
Thoothukudi District.
(in Cr.No.204 of 2022)

... Respondent/Complainant

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

PRAYER :- For Bail in Crime No.204 of 2022 on the file of the
Respondent Police.

For Petitioner	: Mr.B.Deepak
For Respondent	: Mr.T.Senthil Kumar
	Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 28.10.2022 for the offences punishable under Section 379 of IPC in Crime No.204 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution, as per the de-facto complainant, is that on 27.10.2022, the petitioner was found to be in illegal transportation of river sand and hence, the case.

3.The learned Counsel appearing for the petitioner would submit that the petitioner is an innocent and a false complaint has been given. He would further submit that the petitioner has not committed any offence, as alleged by the prosecution. Further, he would submit that the petitioner does not have any previous case pending against him. Hence, he would seek for bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner was found to be illegally transported river sand by using a TATA Ace. He would also submit that the petitioner has no previous case pending against him. He would object for grant of bail to the petitioner.



5. Heard. Perused the materials available on record.

6. Taking into consideration of the facts and submissions made by the learned Counsels and that the petitioner is in judicial custody from 27.10.2022, 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 No.I, Srivaikundam, Thoothukudi 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., and 05.30 pm for a period of three weeks and thereafter, every Saturday at 10.30 am 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 petitioners 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/-

01/03/2023

/ TRUE COPY /

01/03/2023

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

CMR

TO

1 THE JUDICIAL MAGISTRATE NO.I,
SRIVAIKUNDAM, THOOTHUKUDI DISTRICT.

<https://www.mhc.tn.gov.in/judis>



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

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

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

+1. CC to M/S.B.DEEPAK Advocate SR.No.3100

**ORDER
IN**

CRL OP(MD) No.3925 of 2023
Date :01/03/2023

SA/SSS/SAR. /01.03.2023/3P/7C