



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/05/2023

PRESENT

WEB COPY

The Hon`ble Mrs.Justice R. KALAIMATHI

CRL OP(MD) . No.8648 of 2023

Devaraj @ Ashok, ... Petitioner/2nd Accused

Vs

The State Rep.by
The Inspector of Police,
Kadayam Police Station,
Tenkasi District.
Crime No.142 of 2023..

... Respondent/Complainant

For Petitioner : M/s. Venkatachalam.D,
Advocate.
For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

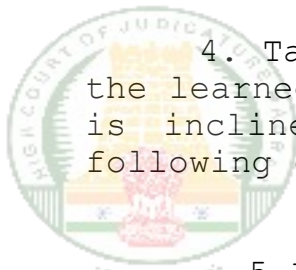
For Bail In Crime No.142 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner /A1 who was arrested and remanded to judicial custody on 01.05.2023 for the offence under section 379 of IPC in Crime No.142 of 2023 on the file of the respondent police seeks bail.

2. The case of the prosecution is that the petitioner along with other accused have illegally transported three units of red sand , hence the case.

3. Heard. Perused the materials available on record including the First Information Report. It is reported on the side of the prosecution that three previous cases are pending against the petitioner.



4. Taking into consideration the facts and submissions by the learned counsels and also the period of incarceration the court is inclined to grant bail to the petitioner, subject to the following conditions:

5. Accordingly, the petitioner is ordered to be released on bail on his executing 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 learned Judicial Magistrate, Ambasamudram 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 file an undertaking affidavit before the trial court that he will not indulge in similar types of offences at the time of executing bond along with surety affidavit.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

[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.

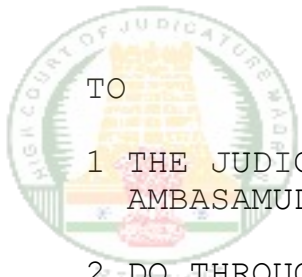
[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner is released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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

sd/-
10/05/2023

/ TRUE COPY /

10/05/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE JUDICIAL MAGISTRATE,
AMBASAMUDRAM.

2 DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

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

4 THE OFFICER IN CHARGE,
SUB JAIL,
AMBASAMUDRAM.

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

+1. CC to M/S. VENKATACHALAM.D Advocate SR.No.7244

ORDER

IN

CRL OP (MD) No.8648 of 2023

Date :10/05/2023

MGJ/VR(10.05.2023) 3P 7C