



CRL OP(MD). No.17419 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/09/2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

CRL OP(MD). No.17419 of 2023

Jothiraj,

... Petitioner/ Accused No.1

Vs

**State Rep.by
The Sub Inspector of Police,
Chokkampatti Police Station,
Tenkasi District.
Crime No.133/2023.**

... Respondent/ Complainant

For Petitioner : M/s. Kumar.S, Advocate.

**For Respondent : Mr.S.Manikandan,
Government Advocate (Crl.Side)**

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

PRAYER :-

For Bail in Crime No. 133 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/ Accused No.1 who was arrested and remanded to judicial custody

on 07.09.2023 for the offences punishable under Sections 379 of IPC r/w Section 21(1)

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



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of Mines & Minerals (Development & Regulations) Act, 1957, in Crime No.133 of 2023, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that on 07.09.2023, the petitioner along with other accused involved in illegal transportation of M-sand to an extent of 3 CBM beyond the permit. Hence, the case.

3. The learned counsel for the petitioner would contend that the petitioner is innocent and a false case has been foisted against him.

4. The learned Government Advocate (Crl. side) would submit that the petitioner is having three previous cases and now involved in illegal transportation of three units of M-sand.

5. Heard both side and perused the materials available on record.

6. Considering the rival submissions on either side, considering the nature of offence and though the petitioner is having previous cases, considering the period of incarceration, I am 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,

Tenkasi and on further conditions that:

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[b] the petitioner shall report before the respondent police, daily at 10.30 A.M. for a period of thirty days, thereafter, as and when required for interrogation.

[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 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].

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

sd/-
29/09/2023

/ TRUE COPY /

29/09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TM
TO
WHY COPY

- 1 THE JUDICIAL MAGISTRATE, TENKASI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
- 3 THE SUPERINTENDENT, SUB JAIL, TENKASI DISTRICT
- 4 THE SUB INSPECTOR OF POLICE
CHOKKAMPATTI POLICE STATION, TENKASI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S. KUMAR.S Advocate SR.No.45327(F)

ORDER
IN

CRL OP(MD) No.17419 of 2023

Date :29/09/2023

PKP/SAR- /29.09.2023/ 4P/ 7C

Madurai Bench of Madras High Court is issuing certified
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