



CRL OP(MD). No.17446 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.17446 of 2023

Madasamy,

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Tisayanvilai Police Station,
Tirunelveli District.
(Crime No.396/2023).

... Respondent/Complainant

For Petitioner : M/s.RAJESH.P,

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.396/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused who was arrested and remanded to judicial custody on 06.09.2023 for the offences punishable under Section 379 of IPC, in Crime No.396 of 2023 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that on 06.09.2023, the petitioner is involved in illegal transportation of 3 ¾ unit of blue metals in a vehicle, without any valid permit.

Hence, the case.



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3. The learned counsel for the petitioner would contend that the petitioner is innocent and a false case has been foisted against him. The petitioner is only the driver of the above said vehicle. Further he is taking treatment for his heart ailment. Hence, he seeks bail.

4. The learned Government Advocate (Crl. Side) would submit that the petitioner is having two previous cases, but not similar in nature and he illegally transported 3 ¼ units of blue metals in a vehicle without any valid permit and investigation is still pending, hence objected to grant bail.

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

6. Considering the rival submissions on either side, considering the quantity of minerals, considering the fact that though the petitioner is having previous case, which are not similar in nature and also 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, Radhapuram and on further conditions that:

[b] the petitioner shall report before the respondent police on every Saturday at 10.30 A.M. for a period of four weeks.



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[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.

TM
TO
1 THE JUDICIAL MAGISTRATE, RADHAPURAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE OFFICER INCHARGE,
SUB JAIL, NANGUNERI.

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



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4 THE INSPECTOR OF POLICE,
TISAYANVILAI POLICE STATION, TIRUNELVELI DISTRICT.

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

+1 CC to M/s.P.RAJESH, Advocate (SR-14419[I] dated 29/09/2023)

ORDER IN
CRL OP(MD) No.17446 of 2023
Date :29/09/2023

SA/SAR. /29.09.2023/4P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.