



CRL OP(MD)No.19319 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 26.10.2023

PRESENT

The Hon`ble Mr.Justice R.SAKTHIVEL
CRL OP(MD)No.19319 of 2023

Alagusundaram

... Petitioner / Accused No.1

Vs

The State rep by its
The Inspector of Police,
Panagudi Police Station,
Tirunelveli District.
(Crime No.580 of 2023)

... Respondent / Complainant

For Petitioner : Mr.M.Saravanakumar, Advocate
For Respondent : Mr.A. Thiruvadikumar
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No.580 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 17.10.2023 for the alleged offence under Section 379 IPC in Crime No.580 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 17.10.2023, the petitioner transported black stone by violating the provisions of rule 36A(1) of the Minor Minerals



CRL OP(MD)No.19319 of 2023

WEB COPY

Concessions Rules and Section 21 of the Mines and Minerals (Development & Regulation) Act, 1957. Hence, the defacto complainant, who is the Revenue Inspector, filed the complaint. Based on the same, the above said case has been registered against the petitioner.

3.The learned counsel for the petitioner submitted that petitioner is innocent and he has not committed any offence as alleged by the prosecution and he is in judicial custody from 17.10.2023 and hence, he seeks bail.

4.The learned Additional Public Prosecutor submitted that the petitioner and other accused illegally transported black stone. He further submitted that the petitioner has no previous case and the investigation investigation is not completed. At this stage of investigation, if bail is granted to the petitioner, it will affect the investigation. Accordingly, learned Additional Public Prosecutor raised objection for granting bail.

5.Heard both sides. This Court perused the materials available in the records.

6.Considering the fact that the petitioner has no previous case and also considering the fact that the petitioner is the first offender and with a view to give one opportunity to reform himself and also considering the nature of allegations made against the petitioner and the nature of offence allegedly committed by the petitioner, this Court is inclined to grant bail to the petitioner with stringent



CRL OP(MD)No.19319 of 2023

conditions.

WEB COPY

7. Accordingly, this Criminal Original Petition is allowed subject to the following conditions:-

i) the petitioner is ordered to be released on bail, on 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 the learned Judicial Magistrate, Valliyoor, Tirunelveli District

ii) the petitioner shall report before the concerned Judicial Magistrate on every Monday and Friday at 10.30 a.m., until further orders.

iii) on breach of any of the aforementioned conditions, the learned Magistrate is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by themselves as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005)13 SCC 283].

sd/-
26/10/2023

/ TRUE COPY /

27/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS

To

1. The Judicial Magistrate, Valliyoor, Tirunelveli District.



CRL OP(MD)No.19319 of 2023

2.Do the Judicial Magistrate,
Tirunelveli District.

3.The Inspector of Police,
Panagudi Police Station,
Tirunelveli District.

4.The Officer Incharge,
Nanguneri Sub Jail,
Nanguneri, Tirunelveli District.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.M.SARAVANA KUMAR, Advocate (SR-15598[I] dated 26/10/2023)
ORDER

IN

CRL OP(MD) No.19319 of 2023

Date :26/10/2023

ED/ /SAR- (27/10/2023) 4P / 7C

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