



CRL OP(MD)No.19332 of 2023

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.19332 of 2023

Sundaram

... Petitioner/ Accused No.1

Vs

The State rep.by,
The Inspector of Police,
Koomapatti Police Station,
Virudhunagar District.
In Crime No.132 of 2023

... Respondent/Complainant

For Petitioner : Mr.S.Mahalingam, 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.132 of 2023 on the file of the respondent police.



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ORDER : The Court made the following order :-

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The petitioner/A1, who was arrested and remanded to judicial custody on 05.10.2023 for the alleged offence under Section 379 IPC and Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.132 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 05.10.2023, the petitioner and other accused persons illegally transported one unit of river sand. Hence, the case.

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 a labour. He further submitted that the petitioner is in judicial custody from 05.10.2023 and hence, he seeks bail.

4.The learned Additional Public Prosecutor submitted that the petitioner and other accused illegally transported one unit of river sand. He further submitted that the petitioner has no previous case and the investigation is not completed. At this stage of investigation, if bail is granted to the petitioner, he will cause threat to the



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defacto complainant. Accordingly, learned Additional Public Prosecutor raised objection for granting bail.

5.Heard on both sides. This Court has perused the records.

6.Considering the fact that the petitioner has no previous case and that he is the first offender and therefore, 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 conditions.

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 No.I, Srivilliputhur, Virudhunagar District.



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ii) the petitioner shall report before the respondent police daily at 10.00 a.m., until further orders.

iii) The petitioner shall not cause threat to the defacto complainant and witnesses.

iv) 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



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WITTO COPY

1. THE JUDICIAL MAGISTRATE NO.I,
SRIVILLIPUTHUR, VIRUDHUNAGAR DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT @ SRIVILLIPUTHUR.
- 3.THE OFFICER IN CHARGE,
SUB JAIL,
SRIVILLIPUTHUR.
- 4.THE INSPECTOR OF POLICE,
KOOMAPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.S.MAHALINGAM, Advocate (SR-15601[I] dated 26/10/2023)

ORDER
IN
CRL OP(MD) No.19332 of 2023
Date :26/10/2023

RK (27/10/2023) 5P /7C

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