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Crl.O.P.No.11910 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.05.2024

CORAM:

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

Crl.O.P.No.11910 of 2024

Manjunathan,
S/o.Murugan

... Petitioner/Accused

Versus

State rep. by:

The Inspector of Police,
Krishnagiri Town Police Station,
Krishnagiri District.
(Crime No.133/2024)

... Respondent/Complainant

For Petitioner : Mr.P.M.Jayachandran

For Respondent : Ms.M.Sumri Arnica
for Public Prosecutor

PRAYER: Criminal Original Petition filed under Section 439 of the Criminal Procedure Code, 1973 (Act No.2 of 1974) praying to enlarge on bail the petitioner/ accused in Crime No.133 of 2024 on the file of the respondent police.

ORDER

This Criminal Original Petition has been filed by the petitioner on 13.05.2024 under Section 439 of the Criminal Procedure Code, 1973 (Act No.2 of 1974) praying to grant bail.



2. The petitioner / Accused was arrested and remanded to judicial custody on 30.04.2024 for the alleged offences punishable under Sections 294(b), 353, 506 part I, 379 of IPC r/w.21(1) of Mines and Mineral (Development and Regulation) Act, 1957 (Act No.67 of 1957) in Crime No.133 of 2024, on the file of the respondent police.

3. The case of the prosecution is that on 17.04.2024, at about 09.30 p.m., during the election period, when the Assistant Geologist Mines and Minerals Department, Krishnagiri and other Officers were on duty, the police intercepted the vehicle, bearing Reg. No.TN 20 BP 6186 and found that the petitioner and A1 transported one unit of sand illegally. At that time, the petitioner and A1 came their in a two wheeler and abused them using filthy language and threatened them with dire consequences and did not allow the respondent police to discharge their duty. Hence, this case.

4. The learned counsel for the petitioner submitted that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. The petitioner is not the owner of vehicle and the petitioner did not transport sand illegally. He further submitted that the petitioner is in judicial custody since 30.04.2024. He, therefore, prayed to grant bail to the petitioner.



5. The learned Public Prosecutor appearing for the respondent police submitted that the petitioner illegally excavated and transported one unit of river sand in the vehicle Reg. No.TN20-BP-6186. She further submitted that the petitioner and A1 used abusing words against the officials and threatened them with dire consequences and did not allow the respondent police to discharge their duty. She further submitted that, the petitioner has no previous case; that investigation is not yet completed; and that at this stage of investigation, if bail is granted to the petitioner, he will cause threat to the defacto complainant and witnesses. Accordingly, she prayed to dismiss this Criminal Original Petition.

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

7. The petitioner is a first time offender and he has no previous case. He has permanent residence and deep roots in the society. Hence, there is less possibility for absconding. Considering the above reasons, this Court is inclined to grant bail to the petitioner, however, subject to certain conditions. Accordingly, bail is granted to the petitioner subject to the following conditions:



(i) The petitioner shall execute a bond for **Rs.25,000/-** (Rupees Twenty Five Thousand only) and furnish two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of **the learned Judicial Magistrate No.I, Krishnagiri.**

(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) **The petitioner shall appear and sign before the respondent police daily at 10.00 a.m., until further orders;**

(iv) The petitioner shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence.

(v) 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 him as laid down by the Hon'ble Supreme Court in P.K. Shaji vs. State of Kerala



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[(2005) 13 SCC 283].

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8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated *supra*.

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Index : Yes/No

Internet : Yes/No

Neutral citation : Yes/No

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Note:-

- 1. Registry is directed to forthwith upload this order in the official website of this Court.**
- 2. All concerned to act on this order being uploaded in official website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in official website of this Court will be watermarked and will also have a QR code.**

To

1. The Judicial Magistrate I, Krishnagiri.

2. DO THROUGH:

The Chief Judicial Magistrate, Krishnagiri.

3. The Officer -in-Charge,
Sub Jail, Krishnagiri.

4. The Inspector of Police,
Krishnagiri Town Police Station,
Krishnagiri District.

5. The Public Prosecutor,
High Court, Madras.

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R.SAKTHIVEL, J.

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