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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/01/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.380 of 2024

Muthukumar

... Petitioner/ Accused No.1

Vs

The Inspector of Police,
Tirunelveli Taluk Police Station,
Tirunelveli District.
Crime No.439 of 2023.

... Respondent/ Complainant

For Petitioner : Mr.N. Mohideen Basha,
Advocate.

For Respondent : Mr.B.Nambi Selvan,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.439 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 25.12.2023 for the alleged offence punishable under Section 379 of I.P.C, in Crime No.439 of 2023 on the file of the respondent police, seeks bail.

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



2. The case of the prosecution is that the petitioner and other accused had illegally transported three units of red gravel sand. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. He would further submit that the petitioner is in judicial custody since 25.12.2023. However, on instructions, he would further submit that the petitioner, without prejudice to his rights, is ready to deposit a sum of Rs.15,000/- to the High Court Environmental Committee and hence, he prays for bail.

4. The learned Additional Public Prosecutor appearing for the respondent Police strongly opposed to grant bail stating that the petitioner and other accused had transported three units of red gravel sand illegally and the petitioner is having two previous cases.

5. Considering the facts and circumstances of the case and also considering the period of incarceration suffered by the petitioner, this court is inclined to grant bail to the petitioner, subject to the following conditions:



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6. Accordingly, the petitioner is ordered to be released on bail on his 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.III, Tirunelveli**, and on further conditions that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner is directed to deposit a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** to the credit of the **Environmental Committee Operated by Registrar (Judicial) [Account No.7633863037; MICR Code: 625019020, CIF No: 30602376727, IFSC Code: IDIB000H040, High Court Branch, Madurai (2001)]**, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the trial Court while executing the sureties;

(c) the petitioner is directed to appear before the respondent **police as and when required for interrogation.**



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(d)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioner shall not abscond either during investigation or trial;

(f)on breach of any of the aforesaid conditions, the learned 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]*; and;

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
11/01/2024

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11/01/2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



1 THE JUDICIAL MAGISTRATE No.III, TIRUNELVELI.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

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

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

COPY TO:

1 THE REGISTRAR(JUDICIAL),
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

2 THE SECTION OFFICER,
ACCOUNTS SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

3 THE SECTION OFFICER,
CRIMINAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.380 of 2024
Date :11/01/2024



MK/11.01.2024 6P 9C

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