



CRL OP(MD). No.2925 of 2024

WEB COPY

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

Date : 26/02/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.2925 of 2024

Paramaguru @ Kanthan

... Petitioner/ Accused No.2

Vs

The Sub-Inspector of Police,
Munneerpallam Police Station,
Munneerpallam,
Tirunelveli District.
(Crime No.65 of 2024)

... Respondent/Complainant

For petitioner : Mr.N.Pragalathan, Advocate.

For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.65 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No.2, who was arrested and remanded to judicial custody on 12.02.2024 for the offences under Section 379 (Sand Theft) of IPC, in



CRL OP(MD). No.2925 of 2024

Crime No.65 of 2024, on the file of the respondent Police, seeks bail.

WEB COPY

2. The case of the prosecution is that the petitioner has illegally transported 20 bags of river sand by using Tractor. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. The petitioner did not commit any allegation as alleged by the prosecution. However, the petitioner is ready to deposit a sum of Rs.30,000/- to Periyar Government Higher Secondary School, Cheranmahadevi Road, Cheranmahadevi, Tirunelveli-627 414, without prejudice to his defence before the trial Court.

4. The learned Additional Public Prosecutor submitted that the petitioner has illegally transported 20 bags of river sand by using tractor and also submitted that four previous cases are pending against the petitioner. Hence, he vehemently opposed to grant bail to the petitioner.

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 with certain conditions.

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.5,



CRL OP(MD). No.2925 of 2024

Tirunelveli, Tirunelveli District, and on further conditions that:

WEB COPY

(a) as per the undertaking given by the petitioner, the petitioner shall make a non-refundable deposit of Rs.30,000/- (Rupees Thirty Thousand only) to Periyar Government Higher Secondary School, Cheranmahadevi Road, Cheranmahadevi, Tirunelveli- 627 414, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the trial Court while executing the sureties; Thereafter, the Headmaster of the School shall spend the amount for the welfare of the students and file necessary proof before the learned Magistrate;

(b) 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;

(c) the petitioner is directed to appear before the respondent police daily at 10.30 a.m until further orders;

(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;



CRL OP(MD). No.2925 of 2024

WEB COPY

(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/-
26/02/2024

/ TRUE COPY /

26/02/2024
Sub-Assistant Registrar
(C.S. I / II / III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SSB

To

1.The Judicial Magistrate No.V,
Tirunelveli,
Tirunelveli District.

2.Do through the Chief Judicial Magistrate,
Tirunelveli District.



CRL OP(MD). No.2925 of 2024

3.The Sub Inspector of Police,
Munneerpallam Police Station,
Munneerpallam, Tirunelveli District.

4.The Superintendent,
Central Jail, Palayamkottai,
Tirunelveli District.

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

Copy to:

The Headmaster,
Periyar Government Higher Secondary School,
Cheranmahadevi Road,
Cheranmahadevi,
Tirunelveli - 627 414.

+1 CC to M/s.N.PRAGALATHAN, Advocate (SR-2388[I] dated 26/02/2024)

ORDER
IN
CRL OP(MD) No.2925 of 2024
Date :26/02/2024

ED/ /SAR- (26/02/2024) 5P / 8C

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