



CRL OP(MD). No.4066 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/03/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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Haris

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Koodankulam Police Station,
Tirunelveli District.
Crime No.99 of 2024.

... Respondent/Complainant

For petitioner : Mr.C.Susikumar,
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.99 of 2024 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial



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custody on 05.03.2024 for the offences under Section 379 of IPC r/w Section 21(1) of Mines and Minerals (Development & Regulation), in Crime No.99 of 2024, on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that the petitioner was found in illegal possession of 8 ½ units of rough stones using a lorry bearing Registration No.TN 72 CT 5226, out of which, for 4 ½ units, the petitioner had trip sheet. Hence, the vehicle along with the rough stones was seized by the respondent Police. Hence, the present case has been registered.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any allegations as alleged by the prosecution and he has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 05.03.2024. However, on instructions, he would further submit that the petitioner, without prejudice to his rights, is ready to deposit a sum of Rs.20,000/- to the Nithiyakalyani-Vellaiyan Chettiyar Government Higher Secondary School, Radhapuram, Tirunelveli District, for purchasing furnitures or providing other facilities. Hence, he prays for grant bail to the petitioner.



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4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner was involved in illegal transportation of 8 ½ units of rough stones and the vehicle involved in this case was seized by the respondent Police. Hence, he vehemently, opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the amount of rough stones involved in this case, 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, Radhapuram, and on further conditions that:

(a) as per the undertaking given by the petitioner, the petitioner shall make a non-refundable deposit of Rs.20,000/- (Rupees Twenty Thousand only) to the Nithiyakalyani-Vellaiyan Chettiyar Government Higher Secondary School, Radhapuram, Tirunelveli District, 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



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amount for the welfare of the students and file necessary proof before the learned
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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;

(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;



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

sd/-
14/03/2024

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14/03/2024
Sub-Assistant Registrar (CS - IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

indu

TO

- 1.THE JUDICIAL MAGISTRATE, RADHAPURAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.
- 3.THE INSPECTOR OF POLICE,
KODANKULAM POLICE STATION,
TIRUNELVELI DISTRICT.
- 4.THE SUPERINTENDENT,
CENTRAL JAIL, PALAYAMKOTTAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



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THE HEADMASTER,
NITHIYAKALYANI-VELLAIYAN CHETTIYAR GOVERNMENT HIGHER
SECONDARY SCHOOL,
RADHAPURAM, TIRUNELVELI DISTRICT.

ORDER
IN
CRL OP(MD) No.4066 of 2024
Date :14/03/2024

RK (14/03/2024) 6P / 7C

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