



CRL OP(MD).No.6883 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08.05.2024

PRESENT

The Hon'ble Mr.Justice ABDUL QUDDHOSE

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Manikandan

... Petitioner/Sole Accused

Versus

The State Rep. by
The Inspector of Police,
Palavoor Police Station,
Palavoor,
Tirunelveli District.
In Crime No.83 of 2024

... Respondent/Complainant

For Petitioner: Mr.S.Palanivelayutham
Advocate

For Respondent : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.83 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

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



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custody on 30.03.2024 for the offences punishable under Section 379 IPC and Section 21(1) of Mines and Minerals Development and Regulation Act 1957, in Crime No.83 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner has illegally transported two units of odai sand.

3. The learned counsel for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. However, he has been falsely implicated in this case and he is languishing in jail from 30.03.2024. Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor opposes for grant of bail on the ground that the investigation is yet to be completed. However, he fairly submits that the petitioner is not having any previous case.

5. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor.



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6. This Court, while granting bail in this matter, has taken into consideration (a) gravity of the crime, (b) character of the evidence, (c) position and status of the accused with reference to the victim and witnesses, (d) likelihood of the accused fleeing from justice and repeating the offence, (e) possibility of the accused petitioner tampering with the witnesses and obstructing the course of justice.

7. It is also settled law that at the time of consideration of bail application, it is neither necessary nor desirable to weigh the evidence meticulously to arrive at a positive finding as to whether or not the accused (petitioner) has committed the alleged offences. What is to be seen is whether there is a reasonable ground for believing that accused (petitioner) is not guilty of the offence he is charged with.

8. The Court has to strike a balance between the rights of the accused (petitioner) to his liberty and the interest of the society. Liberty of an accused (petitioner) cannot be snatched unreasonably for an uncertain time only on the basis of mere allegations.

9. After taking into consideration the aforementioned factors, this Court is inclined to grant bail to the petitioner subject to fulfilment of the following conditions



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by him.

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[a] the petitioner shall make a non refundable deposit of Rs.20,000/- (Rupees Twenty Thousand only) to the credit of the Chairman/District Collector, District Mineral Foundation Trust of the concerned District, without prejudice to his defence before the trial Court

[b] On such deposit, the petitioner shall execute a bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Valliyoor, Tirunelveli District.

[c] the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

[d] the petitioner shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter, as and when required for interrogation.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] the petitioner shall not abscond either during investigation or trial.

[g] 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



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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].

[h]If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

10. Accordingly, this Criminal Original Petition stands ordered.

sd/-
08/05/2024

/ TRUE COPY /

08/05/2024
Sub-Assistant Registrar (LIASONING)
Madurai Bench of Madras High Court,
Madurai - 625 023.

OGY

TO

1. THE JUDICIAL MAGISTRATE,
VALLIYOOR, TIRUNELVELI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELLVEI.

3. THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

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



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

COPY TO
THE CHAIRMAN/DISTRICT COLLECTOR,
DISTRICT MINERAL FOUNDATION TRUST, TIRUNELVELI.

+1 CC to M/s.S.PALANI VELAYUTHAM, Advocate (SR-5308[I] dated 08/05/2024)

ORDER
IN
CRL OP(MD) No.6883 of 2024
Date :08/05/2024

RK (08/05/2024) 6P / 8C

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