

In the Court of the Principal Sessions Judge, Madurai.

Present : Thiru. P.Vadamalai, B.Com., B.L.,

Principal Sessions Judge, Madurai.

Monday, this the 18th day of January -2021.

Crl.M.P.No.233/2021

Suman, S/o.Selvam

... Petitioner/Accused.

Vs

State through the Inspector of Police,

M.Kallupatti P.S. Cr.No.01/2021

... Respondent/Complainant.

This petition taken up today for hearing at request through e.mail/ e.petition and after hearing the arguments of Thiru.K.S.Loganathan, Advocate for the petitioner and of Thiru.M. Tamil Chelvan, the Public Prosecutor for the state over conference call, this court passed the following

Order

1. Bail application u/s. 439 of Cr.p.c.
2. The offences alleged are U/s. 379 of IPC r/w. 21(5) of MMDR Act.
3. Heard.

4. The learned counsel for the petitioner would submit that a case has been registered against the petitioner in Cr.No.1/2021 of M.Kallupatti PS. U/Sec. 379 of IPC r/w. 21(5) of MMDR Act. The petitioner was arrested and remanded to judicial custody on 2.1.2021 and he is in custody for the past 17 days. No previous case is pending against the petitioner, properties has been recovered. He prays to grant bail to the petitioner.

5. The learned public prosecutor would submit that the petitioner has committed the offence of theft of one unit of sand and transported the same illegally in a tractor. The petitioner has no previous case. The property has been

recovered. Investigation is pending. He placed his objection in granting bail to the petitioner.

6. The petitioner is said to have committed theft of one unit of sand and illegally transported the same, consequently, the present case came to be registered. It is stated that no previous case is pending against the petitioner. The property has been recovered. Considering the duration of the custody, and the above facts, this court is inclined to grant bail to the petitioner on condition.

7. In the result, the petitioner is ordered to be enlarged on bail on his executing a bond for Rs.10,000/- along with two sureties for a like sum each to the satisfaction of Judicial Magistrate, No.II Usilampatti subject to condition that after release the petitioner shall appear and sign before the Inspector of police, respondent police station daily at 10.00a.m. until further orders. The petitioner shall co-operate with the investigation and he shall not threaten the witnesses. He shall not induce witnesses and he shall not cause obstacles to the pending investigation. If there is any violation of condition, the Investigation Officer is within his discretion to approach the Court of the learned Judicial Magistrate, concerned for cancellation of bail even though bail granted by the Sessions Court as per the ruling of the Hon'ble Supreme Court reported in **P.K.Shaji/Vs/State of Kerala, (2005) AIR S.C.W.5560**. Accordingly this petition is allowed.

Pronounced by me in Open Court on the 18th day of January -2021.

Sd/- P.Vadamalai

Principal Sessions Judge, Madurai

Copy to

1. The J.M.No.2. Usilampatti.
2. The Inspector of Police, M.Kallupatti P.S.
3. The Superintendent, Central Prison, Madurai.
4. The Petitioner through his counsel.