

In the Court of the Principal District Judge, Madurai.

Present : Tmt.A. Nazeema Banu, B.A., L.L.M.,

Principal District Judge, Madurai.

Friday, this the 5th day of June -2020.

Cr.L.M.P.No.2765/2020

Chandran, S/o.Pinnathevar

... Petitioner/Accused.

Vs

State through the Inspector of Police,

Usilampatti Town P.S. Cr.No.1090 /2020

... Respondent/Complainant.

This petition taken up today for hearing at request through e.mail/ e.petition and after hearing the arguments of Thiru.M.Kubendiran, 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 and 21(5) of MMDR Act.
3. Heard.

4. Considered the argument of the both sides. The learned counsel for the petitioner would submit that the respondent police has registered a case against accused in Cr.No.1090/2020 U/Sec. 379 of IPC and 21(5) of MMDR Act, the date of occurrence was on 1.6.2020, the petitioner was arrested on the same date and he is in judicial custody for the past 5 days and the petitioner has no previous case. The learned public prosecutor would submit that the petitioner has illegally transported one unit sand in a lorry, the petitioner has no previous case and he has not raised any serious objection to grant bail to the petitioner. It is stated that the properties have been recovered from the accused during the interrogation. Considering the fact that the petitioner has no previous case and the period of incarceration for the past 5 days and the properties have been recovered, this Court is inclined to grant bail to the petitioner on condition.

9. In the result, the Petitioner is ordered to be enlarged on bail on his executing an own bond for Rs.10,000/- to the satisfaction of the **Superintendent, District Jail, Dindigul**. After a period of 6 weeks, the petitioner should surrender before the Judicial Magistrate concerned and execute a fresh bond for Rs.10,000/- each with two sureties for likesum each to the satisfaction of Judicial Magistrate concerned. Thereafter, the petitioner shall appear and sign before the Inspector of Police, Respondent Police Station daily at 10.00 a.m., until further orders. The petitioner shall co-operate with the investigation and they shall not threaten the witnesses, he shall not induce witnesses and they 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 order though bail granted by the Sessions Court, as per ruling of the Hon'ble Supreme Court reported in ***P.K. Shaji /Vs./State of Kerala (2005) AIR SC W 5560***. Accordingly, the petition is allowed.

Pronounced by me in Camp Court on the 5th day of June -2020.

Sd/- A.Nazeema Banu

Principal District Judge, Madurai

Copy to

1. The Judicial Magistrate concerned
2. The Inspector of Police, Usilampatti Town P.S.
3. The Superintendent, District Jail, Dindigul.
4. The Petitioner through his counsel.