

In the Court of the Vacation Sessions Judge, Theni.

Present: Thiru. P. Ganesan, B.A., B.L., D.L.L.,  
Vacation Sessions Judge, Theni,

Dated this the 29<sup>th</sup> day of May 2024

Crl.M.P.No.172/2024

CNR.No.TNTH00-0000215-2024

Akhil ... Petitioner/Accused  
-Versus-  
State through the Inspector of Police,  
Kurangani P. S. in  
Cr.No.17/2024 ... Respondent/Complainant

This petition is coming up on this day before me for hearing in the presence of Thiru. K.Rajesh, Learned Counsel for the petitioner and the Learned Public Prosecutor for the State and this Court passed the following:

**ORDER**

This petition has been filed by the petitioner/accused U/s.439 of Code of Criminal Procedure seeking bail.

**2. The Nitty-Gritty of the prosecution case is as follows:**

On 18.05.2024 at about 1.30 p.m., the petitioner transported Granite in his vehicle bearing Registration No.KL 51 F 6105 from Munthal to Bodimettu without license. Therefore case registered against him U/s.379 of IPC and U/s.21(4) of MMDR Act.

3. Heard both sides.

4. The points for determination is that can the petitioner be released on bail?

**Answer :**

5. The FIR would reveal that the petitioner transported Granite in his vehicle without license. The prosecution opposed that the investigation is underway and the accused would commit similar offence. Considering the above facts and circumstances of the case, I inclined to release the petitioner on conditional bail.

6. i) The petitioner shall remit a sum of Rs.30,000/- as non refundable amount as cost to District Mediation and Conciliation Centre at Theni within a week from the date of order.

ii) The petitioner is ordered to be released on bail on his executing a bond for 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, Bodinayakanur within a period of 15 days from the date of order with receipt given by the District Mediation and Conciliation Centre at Theni.

iii) The petitioner shall report before the SHO of Kurangani daily at 10.00 a.m., for the period of 25 days.

iv) The petitioner shall not tamper with evidence or witnesses either during the investigation or trial.

v) The petitioner shall not abscond either during the investigation or trial.

7. 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 laid down by the Hon'ble Supreme Court in P.K.Shaji – Vs- State of Kerala ( 2005) AIR SCW 5560).

8. If the petitioner/accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

Pronounced by me in open Court on this the 29<sup>th</sup> day of May 2024.

**Vacation Sessions Judge,  
Theni.**

**Copy to :-**

The Judicial Magistrate, Bodinayakanur

The Public Prosecutor, Theni.

The Petitioner's through his Counsel.

The Inspector of Police, Kurangani