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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/09/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD). No.16209 of 2022

Prabhakaran

... Petitioner/Accused

Vs

The State rep.by,
The Sub Inspector of Police,
Sakkottai Police Station,
Sivagangai District
(Crime No.148 of 2022)

... Respondent/Complainant

For Petitioner : Mr.P.Balasubramanian,
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.148 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 20.08.2022 for the offences punishable under Section 379 IPC and Section 21(4) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.148 of 2022, on the file of the respondent police, seeks bail.

2.The prosecution case is that the petitioner has illegally transported 4 ½ units of savudu sand. Hence, the complaint.

3.On the side of the petitioner, it is stated that the petitioner is the driver of the vehicle and he is in judicial custody from 20.08.2022 and prayed the petitioner to be released on bail.

4.On the side of the prosecution, it is stated that the petitioner is having one previous case, which is similar in nature and prayed the petition to be dismissed.

<https://www.mca.gov.in>



5. Considering the nature of the offence and on considering the period of incarcerations, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, this Criminal Original Petition is allowed on condition that the petitioner shall deposit a sum of Rs.22,500/- (Rupees Twenty Two Thousand and Five Hundred only) to the credit of Crime No.148 of 2022 before the learned Judicial Magistrate, Karaikudi, Sivagangai District, without prejudice to his rights and contentions before the trial Court.

7. On such deposit being made, the petitioner is ordered to be released on bail, on 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, Karaikudi, Sivagangai District and on further conditions that:

(i) 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;

(ii) the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of one month and thereafter, as and when required for interrogation;

(iii) the petitioner shall not tamper with evidence or witness;

(iv) the petitioner shall be present before the Court on hearing dates and before the respondent police as and when required;

(v) 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]**.

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

sd/-

08/09/2022

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08/09/2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



Note : In view of the present lock down owing to COVID-19, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

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- TO
- 1 THE JUDICIAL MAGISTRATE,
KARAIKUDI, SIVAGANGAI DISTRICT.
 - 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.
 - 3 THE OFFICER INCHARGE,
SUB JAIL, THIRUPPATHUR.
 - 4 THE SUB INSPECTOR OF POLICE
SAKKOTTAI POLICE STATION, SIVAGANGAI DISTRICT
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.16209 of 2022
Date :08/09/2022

SJI
MK/VR/SAR.II/08.09.2022/3P/6C