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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13.09.2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD). No.16455 of 2022

Sekar

... Petitioner/ Accused (Sole)

Vs

The State through
The Inspector of Police,
Pettai Police Station,
Tirunelveli District.
Crime No.186 of 2022

... Respondent/Complainant

For Petitioner : Mr.C.Senthil Murugan
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.186 of 2022 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 custody on 30.08.2022 for the offences punishable under Sections 379 of IPC read with Section 21(4) of Mines and Minerals (Development and Regulations) Act, 1957 in Crime No.186 of 2022, 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 M-sand without proper permit, in a Tipper Lorry bearing registration number TN 11 Z 9099. Hence the complaint.

3.On the side of the petitioner it is stated that the petitioner is the sole accused in this case and he is in custody from 30.08.2022, i.e., for the past 15 days and pray the petitioner to be released on bail.



4.The learned Additional Public Prosecutor stated the petitioner is having two previous cases but not similar in the nature of this case and pray the petition to be dismissed.

5.Considering the period of incarceration of the petitioner, this Court is inclined to release the petitioner on bail on the following conditions:

6.Accordingly, this Criminal Original Petition is allowed on condition that the petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Crime No.186 of 2022 before the learned Judicial Magistrate No.V, Tirunelveli, 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 No.V, Tirunelveli, 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., until further orders;

(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/-

13/09/2022

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13/09/2022

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



TO

1 THE JUDICIAL MAGISTRATE NO.V,
TIRUNELVELI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE
PETTAI POLICE STATION, TIRUNELVELI DISTRICT

4 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

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

+1. CC to M/S.SENTHIL MURUGAN.C Advocate SR.No.9906.

ORDER

IN

CRL OP(MD) No.16455 of 2022

Date :13/09/2022

pnn

MK/VRS/SAR.I/13.09.2022/3P/7C