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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 06/10/2022

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD) . No.17705 of 2022

1.Mayandi
2.Mariraja

... Petitioners/Accused Nos.1 & 2

Vs

State Rep.by
The Inspector of Police,
Kadayam Police Station,
Tenkasi District.
(Crime No.283 of 2022).

... Respondent/Complainant

For Petitioner : M/s.C.Saravanakumar, Advocate.
For Respondent : Mr.B.Nambi Selvan,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

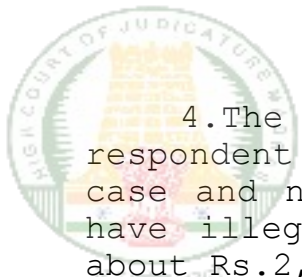
For Bail in Crime No.283 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/accused Nos.1 and 2, who were arrested and remanded to judicial custody on 22.09.2022 for the offences punishable under Sections 379 of IPC, in Crime No.283 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioners were found in illegal possession of each one unit of Pond sand(Karambai) in two Tractors. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. However, he would further submit that the petitioners, without prejudice to their rights, are ready to deposit the amount that may be imposed by this Court.



4.The learned Additional Public Prosecutor appearing before the respondent police would submit that the A1 is having one previous case and no previous case is pending against A2. The petitioners have illegally transported totally two units of pond sand, worth about Rs.2,000/-.

5.Considering the above and also the nature of the charges levelled against the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Ambasamudram, and on further condition that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b] the petitioners shall pay a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Karthika Public Educational and Charitable Trust, SB Account No.497663303, Indian Bank, Mayiladurai, Branch Code-00165, IFSC Code: IDIB000M023, without prejudice to their rights and contentions before the trial Court. The petitioners shall execute the sureties on showing the receipt of the said amount.

[c] the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of eight weeks and thereafter as and when required for interrogation.

[d] the petitioners shall not tamper with the evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**.

sd/-

06/10/2022

/ TRUE COPY /

06/10/2022

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, AMBASAMUDRAM.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
 - 3 THE INSPECTOR OF POLICE, KADAYAM POLICE STATION, TENKASI DISTRICT.
 - 4 THE OFFICER INCHARGE, SUB JAIL, AMBASAMUDRAM.
 - 5 THE OFFICER INCHARGE,
KARTHIKA PUBLIC EDUCATIONAL AND CHARITABLE TRUST, MAYILADURAI.
 - 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.C.SARAVANAKUMAR., Advocate (SR-10937[I] dated 06/10/2022)

ORDER
IN
CRL OP(MD) No.17705 of 2022
Date :06/10/2022

pnn/gbg
RS/SVR/SAR.4(06.10.2022) 3P-8C