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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.17813 of 2022

Esakkimuthu,
S/o.Thalavairaj,
No.41/17, Manimedai Street,
Thirupankarisalkulam,
Tirunelveli District.

... Petitioner/Accused

Vs

The Inspector of Police,
Pettai Police Station,
Tirunelveli City,
Tirunelveli District.
(In Crime No.219 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Angusamy V,
Advocate.

For Respondent : Mr.S.Manikandan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.219 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 23.09.2022 for the offences punishable under Sections 379 of IPC and 21(4) of Mines and Minerals Act (Development and Regulation) Act, 1957, in Crime No.219 of 2022 on the file of the respondent police, seeks bail.



2.The case of the prosecution is that the petitioner and other accused have illegally transported one unit of saral sand. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. However, he would further submit that the petitioner is ready to abide any condition imposed by this Court. Hence, he prays for bail.

4.The learned Government Advocate (Crl. side) appearing for the respondent police strongly opposed this petition stating that the petitioner and other accused have transported one unit saral sand illegally and the petitioner is having four previous cases and A2 is still absconding.

5.Considering the facts and circumstances of the case and also considering the nature of the offence and also the fact that the petitioner is in judicial custody from 23.09.2022, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on 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 No.V, Tirunelveli.

(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 is directed to deposit a sum of **Rs.15,000/- (Rupees Fifteen Thousand only) to the credit of Aram Seya Virumbu, (Tamil Nadu Mercantile Bank, A/c No.423150050800264, IFSC Code: TMBL0000423 Ambasamudram Branch)**, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties;

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

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

iv)the petitioner shall not abscond during trial.

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

<https://www.mca.gov.in/judis>. K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].



vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
06/10/2022

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

SJI

Note : In view of the present lock down owing to COVID-19 pandemic, 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.

TO

1. The Judicial Magistrate No.V, Tirunelveli.
2. Do-Through The Chief Judicial Magistrate,
Thirunelveli District.
3. The Superintendent,
Central Prison, Palayamkottai.
4. The Inspector of Police,
Pettai Police Station,
Tirunelveli City,
Tirunelveli District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to

The Officer Incharge, Aram Seya Virumbu, Ambasamudram

+1. CC to M/S.ANGUSAMY V Advocate SR.No.11017

CRL OP(MD) No.17813 of 2022
Date : 06/10/2022

KB/VRS/S.IV(06.10.2022) 3P 8C

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