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CrI.O.P.No.27787 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2023

CORAM

THE HON'BLE MR. JUSTICE **C.V.KARTHIKEYAN**

CrI.OP.No.27787 of 2023

D.Munnusamy

...Petitioner

Vs.

State by:

The Inspector of Police,
K.V.Kuppam Police Station,
Cr.No.263/2023.

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in FIR in Crime No.263 of 2023 on the file of the respondent police.

For Petitioner : Mr.V.Sakthivel
For Respondent : Mr.R.Kishore Kumar
Government Advocate (Criminal side)

ORDER

The petitioner seeks bail in Crime No.263 of 2023 registered by the respondent Police for the offences under Sections 379 & 430 IPC. The petitioner was remanded to judicial custody on 11.11.2023.



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2. Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal side).

3. It is stated that the petitioner had illegally transported $\frac{1}{4}$ unit of river sand in a Bullock Cart. However, it is stated that the river sand and the Bullock Cart had been recovered.

4. Taking into consideration the period of incarceration suffered by the petitioner and the Bullock Cart and the river sand had been recovered, I am inclined to grant bail to the petitioner subject to the following conditions.

5. Accordingly, the petitioner is ordered to be released on bail on condition to execute 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, Katpadi**, and on further conditions 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 Aadhar card or Bank pass Book to ensure their identity.



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[b] the petitioner shall report before the respondent everyday at 10.00 a.m., for a period of two weeks and thereafter as and when required.

[c] the petitioner without prejudice to his defence shall deposit a non-refundable sum of Rs.5,000/-, by way of Demand Draft to the District Revenue Officer, Vellore District and that the receipt of such payment shall be produced before the concerned Magistrate at the time of executing the bond; It is made clear that merely, because the petitioner deposits the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner released on



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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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

11.12.2023

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To

1. The Judicial Magistrate, Katpadi.

2.The Inspector of Police,
K.V.Kuppam Police Station,
Cr.No.263/2023.

3.The Central Prison, Vellore.

4.The Public Prosecutor, Madras High Court.



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C.V.KARTHIKEYAN, J.

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