



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 17/05/2023
PRESENT

WEB COPY

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

CRL OP(MD) . No.8830 of 2023

1. J.Anto Benger,

2. N.Maheswaran,

... Petitioners/Accused 1 & 2

Vs

The State rep.by
The Inspector of Police,
Boothapandy Police Station,
Kanyakumari District.
(In Crime No.108/2023).

... Respondent/Complainant

For Petitioner : M/s.Praveenkumar P,
Advocate.

For Respondent : Mr.R.Sivakumar,
Government Advocate (Crl.Side)

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

PRAYER :- For Bail in Crime No.108/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2, who were arrested and remanded to judicial custody on 08.05.2023 for the offence punishable under Section 379 IPC in Crime No.108 of 2023 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners have illegally transported four units of red sand. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case. However, he would further submit that the petitioners are 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 petitioners have transported four units of red sand illegally. The petitioners are having no previous case.



5. Considering the facts and circumstances of the case, considering the nature of the offence and also the fact that the petitioners are in judicial custody from 08.05.2023, this Court is inclined to grant bail to the petitioners subject to the following conditions:

6. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail, on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties (of which, one shall be a blood related surety) each for a like sum to the satisfaction of the learned Judicial Magistrate Court, Boothapandy.

(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 petitioners shall jointly deposit a sum of **Rs.30,000/- (Rupees Thirty Thousand only) to the credit of Madras High Court Madurai Bench, Advocate Clerk's Welfare Association, Madurai-625 023 (Indian Bank Saving Account No.496039124, IFSC Code:IDIB000H040)**, without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties;

(ii) the petitioners shall report before the respondent police every Tuesday and Sunday at 10.30 a.m., for a period of three months and thereafter, as and when required for interrogation;

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

iv) the petitioners 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 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].

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

sd/-

17/05/2023

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17/05/2023

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



1 THE JUDICIAL MAGISTRATE,
BOOTHAPANDY.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

3 THE OFFICER INCHARGE,
DISTRICT PRISON, NAGERCOIL.

4 THE INSPECTOR OF POLICE,
BOOTHAPANDY POLICE STATION,
KANYAKUMARI DISTRICT.

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

COPY TO:

THE OFFICER INCHARGE,
ADVOCATE CLERK'S WELFARE ASSOCIATION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.PRAVEENKUMAR P Advocate SR.No.7439

ORDER

IN

CRL OP(MD) No.8830 of 2023
Date :17/05/2023

SA/MMS/SAR. /17.05.2023/3P/8C