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

Date : 26/09/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.17301 of 2023

1.Vairamuthu

2.Paramasivam

... Petitioners/ Accused Nos.1 and 2

Vs

The State, represented by
The Inspector of Police,
Sivagiri Police Station,
Tenkasi District.
(Crime No.324 of 2023).

... Respondent/Complainant

For Petitioners : Mr.M.Ramu,
Advocate.

For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor.

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

PRAYER :-

For Bail in Crime No.324 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/ Accused Nos.1 to 2, who were arrested on 06.09.2023 for the alleged offence under Sections 379 of IPC, in Crime No.324 of 2023 on the file of the respondent Police, seeks bail.



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2.The prosecution case is that on 06.09.2023 at about 13.00 hours, when the respondent Police conducted the raid for sand theft along with his police party at South Arugankulam Kanmoi, the accused persons loaded the sand to his tractor bearing Registration Number TN 79 K 6109 with help of JCB bearing Registration Number TN 79 L 5476 and on seeing the police party, the accused tried to escape, but the respondent Police arrested the accused person and seized the vehicle along with one unit of sand. Hence, the case.

3.The learned counsel for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution. They are only the drivers of above said vehicle. He would further submit that the petitioners are in judicial custody from 06.09.2023.

4.The learned Additional Public Prosecutor appearing for the respondent police submitted that there is no previous case pending against the petitioners.

5.Considering the facts and circumstances of this case and also considering the period of incarceration and no previous case is pending against the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail, on executing a personal bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the



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satisfaction of the learned Judicial Magistrate, Sivagiri, and on further condition that the petitioners shall report before the respondent police daily at 10.30 a.m. until further orders.

sd/-
26/09/2023

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26/09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU
TO

- 1 THE JUDICIAL MAGISTRATE,
SIVAGIRI, TENKASI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE
SIVAGIRI POLICE STATION, TENKASI DISTRICT.
- 4 THE SUPERINTENDENT
CENTRAL PRISON, PALAYAMKOTTAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.M.RAMU, Advocate (SR-14172[I] dated 26/09/2023)

ORDER
IN

CRL OP(MD) No.17301 of 2023
Date :26/09/2023

SS/26/09/2023/3P/7C