



CRL OP(MD)No.17605 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16.10.2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD)No.17605 of 2023

M.Mariya Suji

... Petitioner/ Accused No.1

Vs

The State rep.by,
The Inspector of Police,
V.K.Puram Police Station,
Tirunelveli District.
In Cr.No.223 of 2023.

... Respondent/ Complainant

For Petitioner : Mr.H.Elango, Advocate

For Respondent : Mr.RMS.Sethuramaan,
Additional Public Prosecutor.

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

PRAYER :-

For Bail in Crime No.223 of 2023 on the file of the Respondent Police.



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ORDER : The Court made the following order :-

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The petitioner, who was arrested and remanded to judicial custody on 04.09.2023 for the alleged offence punishable under Section 379 IPC in Crime No.223 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and other accused illegally taken 1/2 unit of red sand in their tractor. Hence the case.

3.The learned counsel appearing for the petitioner would contend that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is in custody from 04.09.2023, hence he seek bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that the accused persons illegally taken half unit of red sand by using tractor. That apart, the petitioner is having three similar previous cases. Hence, he objected to grant bail to the petitioner.



5. Heard both sides and perused the materials available on record.

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6. Considering the facts and circumstances and also considering the period of incarceration and also and also taking into consideration of the principle stated by the Honourable Supreme Court in Sanjay Chandra and others vs. CBI reported in (2012) 1 SCC 40, this Court is inclined to grant bail to the petitioners, subject to the following conditions:

[i] 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, Ambasamudram, Tirunelveli and on further conditions that:

(ii) 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;

(iii) the petitioner shall appear before the trial Court on summons.

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



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(v) the petitioner shall not abscond during trial.

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vi) 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 Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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

sd/-
16/10/2023

/ TRUE COPY /

16/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

gns

TO

1. THE JUDICIAL MAGISTRATE, AMBASAMUDRAM, TIRUNELVELI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.



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3.THE OFFICER IN CHARGE,
SUB JAIL,
AMBASAMUDRAM.

4.THE INSPECTOR OF POLICE,
V.K.PURAM POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1 CC to M/s.H.ELANGO, Advocate (SR-15217[I] dated 16/10/2023)

ORDER
IN
CRL OP(MD) No.17605 of 2023
Date :16/10/2023

RK/ (16/10/2023) 5P / 7C

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