



CRL OP(MD). No.17976 of 2023

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

Date : 09/10/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.17976 of 2023

Kutty @ Rajaligam

... Petitioner/ Accused No.4

Vs

The State represented by
The Sub-Inspector of Police,
Alangulam Police Station,
Tenkasi District.
Crime No.234 of 2023.

... Respondent/ Complainant

For Petitioner : Mr.Pon Karthikeyan.R, Advocate

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.234 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/ Accused No.4, who was arrested on 24.08.2023 for the alleged offence under Section 294(b), 353, 506(ii), 269, 270 I.P.C and Section 3 of Epidemic Diseases Act, 1897, in Crime No.234 of 2023, on the file of the respondent police, seeks bail.



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2. The case of the prosecution as per the defacto complainant version is that he is working as Health Inspector. On 29.07.2023 at about 8.00 a.m., he received information stating that somebody set fire to some hazardous medical waste material. He went to that place and found that above said materials have been set on fire. He found a lorry bearing Registration No.TN 52 A 2275, search was made and he found the above said waste materials are according to him hazardous in nature. When they made enquiry with the driver of the vehicle, they were criminally intimidated and also tried to be assaulted. On further enquiry, they revealed his name as Karthick Murugan and his father also available by name Ganesan. On further enquiry they revealed that they transported the above said materials from Kerala by the order of one Senthil Murugan to be handed over to Kutty @ Rajalingam. On the basis of the above said informations and subsequent occurrence, he lodged a complaint and so the present case has been registered against four persons.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and is in custody from 24.08.2023. This petitioner is not the owner of the land, where the biomedical waste is alleged to have been dumped and burnt. Hence, prays to release him on bail.



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4.The learned Additional Public Prosecutor appearing for the respondent would submit that the accused Nos.3 and 5 are still absconding.

5.Considering the period of incarceration, this Court is inclined to grant bail to the petitioner with certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing a personal bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with **two local sureties** each for a like sum to the satisfaction of the learned *Judicial Magistrate, Alangulam*, and on further condition that the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

sd/-
09/10/2023

/ TRUE COPY /

09/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU

TO

1 THE JUDICIAL MAGISTRATE,
ALANGULAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.



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3 THE SUB INSPECTOR OF POLICE
ALANGULAM 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.R.PON KARTHIKEYAN, Advocate (SR-14809[I] dated 09/10/2023)

ORDER
IN

CRL OP(MD) No.17976 of 2023

Date :09/10/2023

SS/09/10/2023/4P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023