



CRL OP(MD). No.19016 of 2023

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

Date : 20/10/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

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1. Veeraiya

2. Jayakumar

3. Vignesh

... Petitioners / Accused Nos.5 to 7

Vs

The Inspector of Police,
Amathur Police Station,
Virudhunagar District.
(Crime No.185 of 2023.)

... Respondent / Complainant

For Petitioners : M/s.Abdul Kallam Azad, Advocate.
for M/s.Spicy Law Firm, Advocate

For Respondent : Mr.R.M.S.Sethuraman,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No. 185/2023 on the file of the Respondent Police.



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ORDER : The Court made the following order :-

The petitioners/ A5 to A7, who were arrested and remanded to judicial custody on 02.10.2023 for the alleged offences punishable under Sections 379 of IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.185 of 2023, on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners along with other accused have illegally transported gravel sand . Hence the case.

3.The learned counsel appearing for the petitioners would contend that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. He would further submit that the petitioners are in custody from 02.10.2023, hence he seek bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that the petitioners along with other accused have illegally transported gravel sand, hence he objected to grant bail to the petitioners. However he fairly concedes that no previous case is pending against the petitioners.

5.Considering the facts and circumstances and also considering the period of incarceration and also the fact that no previous case is pending against the petitioners and taking into consideration of the principle stated by the Honourable



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Supreme Court in Sanjay Chandra and others vs. CBI reported in (2012)1 SCC 40,

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this Court is inclined to grant bail to the petitioners, subject to the following conditions:

[i] Accordingly, the petitioners are ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Virudhunagar 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 petitioners shall appear before the trial Court on receipt of summons

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

(v) the petitioners shall not abscond during trial.

(vi) 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].



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

sd/-
20/10/2023

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20/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

To

- 1.The Judicial Magistrate No.II,
Virudhunagar.
- 2.Do through the Chief Judicial Magistrate,
Virudhunagar District at Srivilliputhur.
- 3.The Inspector of Police,
Amathur Police Station,
Virudhunagar District.
- 4.The Officer Incharge,
District Jail,
Virudhunagar.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.SPICY LAW FIRM, Advocate (SR-15527[I] dated 20/10/2023)



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ORDER

IN

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Date :20/10/2023

ED/ /SAR- (20/10/2023) 5P / 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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