



Crl.O.P.No.2311 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2024

CORAM

THE HON'BLE MR. JUSTICE **C.V.KARTHIKEYAN**

Crl.O.P.No.2311 of 2024

1.Sekar
2.Sivamohan

...Petitioners/Accused 1 & 2

Vs.

State represented by
The Inspector of Police,
Muthupettai Police Station,
Thiruvarur District.

(Crime No.563 of 2023)

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioners on bail concerned in Crime No.563 of
2023 on the file of the respondent on such terms and conditions.

For Petitioners : Mr.M.Vijayaragavan

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)



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ORDER

The petitioners/A1 and A2 in Crime No.563 of 2023, registered for the offences under Sections 147, 294(b), 324, 506(ii) and 307 of IPC and Section 3(1) of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992, seek bail. They had been remanded to judicial custody on 06.01.2023.

2.Heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) for the respondent.

3.The learned Government Advocate (Crl. Side) for the respondent stated that the petitioners are involved in illegal sand mining and when that was informed, the petitioners and the other accused had assaulted the informant.

4.It is stated that A3 had been granted anticipatory bail by this Court in Crl.O.P.No.26193 of 2023 and A4 and A5 had been granted bail by the Sessions Court. These two petitioners had been in judicial custody



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from 06.01.2024.

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5.Taking all the factors into consideration and the period of incarceration, I am inclined to grant bail to the petitioners subject to the following conditions:

6.Accordingly, the petitioners are ordered to be released on bail on condition to execute separate 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 Judicial Magistrate, Tiruthuraipoondi, and on further conditions that: -

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent police everyday at 10.30 a.m., until further orders.

[c] Additionally, the petitioners shall deposit a sum of Rs.10,000/- (Rs.5000/- each) to the credit of Crime No.563 of 2023 before the Judicial Magistrate, Tiruthuraipoondi and on such deposit, the Judicial Magistrate may hand over the said amount to



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the defacto complainant.

[d] the petitioners shall not abscond either during investigation or trial.

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[f] 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

07.02.2024

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C.V.KARTHIKEYAN. J.

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To
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1. The Judicial Magistrate, Tiruthuraipoondi.
2. Sub-jail, Thiruthuraipoondi.
3. The Inspector of Police,
Muthupettai Police Station,
Thiruvarur District.
4. The Public Prosecutor,
High Court of Madras.

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