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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2024

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No. 17684 of 2024

Saminethi

... Petitioner

Vs.

State Rep by.
The Sub Inspector of Police
Thirupathur Taluk Police Station,
Thirupathur District.
Crime No. 490 of 2024

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the accused petitioner on bail in crime No. 490 of 2024
pending investigation on the file of the respondent police.

For Petitioner : Mr. E.kannadasan
For Respondent : Mr.V.Meganathan, B.A., B.L.,
Government Advocate (Crl. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 03.07.2024 for the alleged offences punishable under Section 303(2), 326(a) of BNSS Act r/w under Section 21(1) of Mines and Minerals (Development and Regulation) Act 1957 (under Section 379, 430 of IPC) and **in crime No. 490 of 2024** on the file of the respondent, seeks bail.

2. The case of the prosecution is that the respondent police found the accused person while transporting 1 unit of Norambu. Hence, the case.

3. The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case and the petitioner is ready to abide any conditions. On the other side, the learned Government Advocate (Crl. side) submits that respondent police found the the accused persons is having three previous cases.

4. Considering the period of incarceration undergone by the petitioner and also the investigations in almost completed. Hence, this Court is inclined to grant bail to the petitioner.



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5. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with **two sureties (one must be a blood surety)**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.II, Thirupathur**, 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 petitioner shall report before the respondent police on every Tuesday at 10.30 a.m., for a period of three months and thereafter as and when required for interrogation. Further, the petitioner shall deposit a sum of **Rs.30,000/-** to the credit of registered advocate clerks welfare association, Thirupathur District.

[c] the petitioner shall not abscond either during investigation or trial;



[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] 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]**;

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

26.07.2024

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T.V.THAMILSELVI,J.



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To

1. The **Judicial Magistrate No.II, Thirupathur.**

2.The Sub Inspector of Police
Thirupathur Taluk Police Station,
Thirupathur District.

3. The Sub Jail, Thirupathur.

4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.17684 of 2024

26.07.2024