



CRL OP(MD). No.498 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/01/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.498 of 2024

Kajithali,

... Petitioner/2nd Accused

Vs

The State rep. by,
The Inspector of Police,
Chokkampatti Police Station,
Tenkasi District,
Crime No.208/2023.

... Respondent/Complainant

For Petitioner : Mr.M.Mohamed Sherbudeen
Advocate.

For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.208/2023 on the file of the respondent police.



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ORDER : The Court made the following order :-

The petitioner/Accused No.2, who was arrested and remanded to judicial custody on 28.12.2023 for the alleged offence punishable under Section 379 of I.P.C. in Crime No.208 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner had illegally transported one unit of stream sand. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. He would further submit that the petitioner is in judicial custody for more than thirteen days. However, on instructions, he would further submit that the petitioner, without prejudice to his rights, is ready to deposit a sum of Rs.5,000/- to the District Siddha Medical Officer and hence, he prays for bail.

4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that the petitioner has transported one unit of stream sand

illegally

<https://www.mhc.tn.gov.in/judis>



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5. Considering the facts and circumstances of the case and also considering the fact that no antecedent is reported against the petitioner, this court is inclined to grant bail to the petitioner, subject to the following conditions:

6. 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, each for a like sum to the satisfaction of the learned Judicial Magistrate, Tenkasi 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 is directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of the District Siddha Medical Officer CCRI PKM, Account No.10767823177, IFSC Code : SBIN0000898, MICR CODE : 625002601, Branch: SBI Periyakulam, without prejudice to his rights and contentions before the trial Court and



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produce the receipt/acknowledgment before the trial Court while executing the sureties;

(c) the petitioner is directed to appear before the respondent police as and when required for interrogation.

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond 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 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]; and;



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(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
11/01/2024

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11 /01/2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG
TO

1. The Judicial Magistrate, Tenkasi.
 2. Do-Through The Chief Judicial Magistrate,
Tirunelveli.
 3. The Superintendent, Central Prison, Tirunelveli.
 4. The Inspector of Police,
Chokkampatti Police Station,
Tenkasi District.
 5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.M.MOHAMED SHERBUDEEN, Advocate (SR-577[I] dated
11/01/2024)

Copy To
The District Siddha Medical Officer CCRI PKM,
Periyakulam



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ORDER
IN
CRL OP(MD) No.498 of 2024
Date :11/01/2024

SSA/11.01.2024/6P/8C

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