



CRL OP(MD). No.2454 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/02/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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1.Karuppaiya

2.Karuppaiyan

... Petitioners/ Accused Nos.1 and 2

Vs

The State Represented by
The Inspector of Police,
Vattathikottai Police Station,
Thanjavur District.
(In Crime No.27 of 2024)

... Respondent/ Complainant

For petitioners : Mr.S.Ramesh Kumar
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.27 of 2024 on the file of the respondent police.



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ORDER : The Court made the following order :-

The petitioners/Accused Nos.1 and 2, who were arrested and remanded to judicial custody on 07.02.2024 for the offences under Section 379 IPC, 1860 and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.27 of 2024, on the file of the respondent Police, seek bail.

2. The case of the prosecution is that the petitioners were found in illegal possession of $\frac{1}{4}$ unit of river sand by using bullock cart. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. The petitioners did not commit any allegation as alleged by the prosecution. However, the petitioners are ready to deposit a sum of Rs.10,000/- jointly to the Government Model Girls Higher Secondary School, Ulaganeri, Y.Othakadai, Madurai, for the welfare of the girl students studying in the School, without prejudice to their defence before the trial Court.

4.The learned Additional Public Prosecutor submitted that the petitioners were



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found in illegal possession of 1/4 unit of river sand by using bullock cart and no previous case is pending against the petitioners. Hence, he vehemently opposed to grant bail to the petitioners.

5. Considering the facts and circumstances of the case and also considering the period of incarceration suffered by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail on their executing 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, Pattukottai, and on further conditions that:

(a) as per the undertaking given by the petitioners, the petitioners shall make a non-refundable deposit of Rs.10,000/- (Rupees Ten Thousand only) jointly to the Government Model Girls Higher Secondary School, Ulaganeri, Y.Othakadai, Madurai, without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the trial Court while executing the sureties; Thereafter, the Headmaster of the School shall spend the amount for the welfare of the students and file necessary proof before the learned Magistrate;



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(b) 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;

(c) the petitioners are directed to appear before the respondent police daily at 10.30 a.m until further orders;

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

(e) the petitioners 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 petitioners 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/-
16/02/2024

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16/02/2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

ssb
TO

1. The Judicial Magistrate, Pattukottai.
2. Do through the Cheif Judicial Magistrate,
Thanjavur District at Kumbakonam.
3. The Officer Incharge,
Sub Jail, Thanjavur.
- 4.The Inspector of Police,
Vattathikottai Police Station,
Thanjavur District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy To

The Headmaster,
The Government Model Girls Higher Secondary School,
Ulaganeri, Y.Othakadai,
Madurai.

+1. CC to S. RAMESH KUMAR Advocate SR.No.5381(F)
<https://www.mhc.tn.gov.in/judis>



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ORDER
IN
CRL OP(MD) No.2454 of 2024
Date :16/02/2024

SSA//SAR-(16.02.2024) 6P 8C

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