



CRL OP(MD). No.4154 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/03/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.4154 of 2024

Samidurai

... Petitioner/Sole Accused

Vs

The State Represented by
The Inspector of Police,
Palavoor Police Station,
Tirunelveli District.
(In Crime No.55 of 2024)

... Respondent/Complainant

For petitioner : Mr.R.PON KARTHIKEYAN,
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.55 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 01.03.2024 for the offence punishable under Section 379 IPC, in Crime No.55 of 2024, on the file of the respondent Police, seeks bail.



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2. The case of the prosecution is that on 01.03.2024, the petitioner was found in illegal possession of 1 unit of river sand. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. The petitioner did not commit any allegation as alleged by the prosecution. However, the petitioner is ready to deposit a sum of Rs.30,000/- to NVC Government Higher Secondary School, Radhapuram, for the welfare of the students studying in the School, without prejudice to his defence before the trial Court.

4. The learned Additional Public Prosecutor submits that one previous case is pending against the petitioner.

5. Considering the facts and circumstances of the case and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner with certain 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, Vallioor, and on further conditions that:

(a) as per the undertaking given by the petitioner, the petitioner shall make a non-refundable deposit of Rs.30,000/- (Rupees Thirty



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Thousand only) to NVC Government Higher Secondary School, Radhapuram, without prejudice to his 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;

(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 petitioner is directed to appear before the respondent police daily at 10.30 a.m until further orders;

(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



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himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs.

State of Kerala [(2005) AIR SCW 5560]; and;

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

sd/-
15/03/2024

/ TRUE COPY /

/03/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SSB

TO

1 THE JUDICIAL MAGISTRATE,
VALLIOOR.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, TIRUNELVELI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

4 THE INSPECTOR OF POLICE,
PALAVOOR POLICE STATION,
TIRUNELVELI DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



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COPY TO:

THE HEAD MASTER / HEAD MISTRESS,
NVC GOVERNMENT HIGHER
SECONDARY SCHOOL, RADHAPURAM.

+1 CC to M/s.R.PON KARTHIKEYAN, Advocate (SR-3222[I] dated 15/03/2024)

ORDER
IN
CRL OP(MD) No.4154 of 2024
Date :15/03/2024

SA/SAR. /15.03.2024/5P/8C

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