



CRL OP(MD). No.7446 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22.05.2024

PRESENT

The Hon`ble Mrs.Justice S.SRIMATHY

CRL OP(MD). No.7446 of 2024

1. Pandiarajan

2. Karthikeyan

... Petitioners/ Accused No.1 and 2

versus

The State by
The Inspector of Police,
Kallal Police Station,
Sivagangai District.

... Respondent/ Complainant

For Petitioners : Mr.R.Balamuruganantham, Advocate

For Respondent : Mr.A.Thiruvadi Kumar,

Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.95/2024 on the file of the Respondent Police."



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ORDER : The Court made the following order :-

The petitioners / A1 and A2, who were arrested and remanded to judicial custody on 08.05.2024 for the offences under Section 379 IPC and Section 21(4) of Mines and Minerals (Development and Regulation) Act, in Crime No.95 of 2024 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners have illegally transported six units of river sand. Hence, the case.

3. The learned counsel appearing for the petitioners submits that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. However, they are languishing in jail from 08.05.2024. Hence, he prays for grant of bail to the petitioners.

4. The learned Additional Public Prosecutor opposes for grant of bail on the ground that the investigation is yet to be completed and the second accused is having one previous case.



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5. Considering the facts and circumstances of the case and also taking note of the period of incarceration, this court is inclined to grant bail to the petitioners.

6. Accordingly, this Criminal Original Petition is ordered and 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 learned Judicial Magistrate, Karaikudi, Sivagangai District, 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 make a payment of Rs.30,000/- (Rupees Thirty thousand) each in favour of "The Head Master, Government Model Girls Higher Secondary School, Y.Othakkadai, Madurai, in SBI Account No.10968750674, IFSC No.SBI0002246, State Bank of India, Y.Othakkadai, Madurai. This fund shall be utilized for the purpose of purchasing furniture (Benches & Desks) for newly constructed class rooms under "Namakku Name" Scheme. After payment, the petitioners shall produce the receipt/acknowledgment before the concerned Court

along with surety affidavit.

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[c] the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

[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 petitioner in accordance with law as if the conditions have been imposed and the petitioners are 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 abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
22/05/2024

/ TRUE COPY /

22/05/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

OGY



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TO
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- 1 THE JUDICIAL MAGISTRATE,
KARAIKUDI, SIVAGANGAI DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
KALLAL POLICE STATION,
SIVAGANGAI DISTRICT.
- 4 THE OFFICER INCHARGE
SUB JAIL, THIRUPPATHUR,
SIVAGANGAI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE HEAD MASTER
GOVERNMENT MODEL GIRLS HIGHER SECONDARY SCHOOL,
Y.OTHAKADAI, MADURAI.

+1 CC to M/s.R.BALAMURUGANANTHAM, Advocate (SR-5586[I] dated
22/05/2024)

ORDER
IN
CRL OP(MD) No.7446 of 2024
Date :22/05/2024

PKP/2.05.2024/ 5P/ 8C

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