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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/05/2024

PRESENT

THE HON'BLE MRS.JUSTICE S.SRIMATHY

CRL OP(MD). No.7508 of 2024

Muruganantham

... Petitioner/ Accused No.1

Vs

The State, Rep., by
The Inspector of Police,
Kulithalai Police Station,
Karur District.
(Crime No.249 of 2024)

... Respondent/ Complainant

For Petitioner : Mr.V.Vishnu
Advocate.

For Respondent : Mr.M.Sakthikumar
Government advocate

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

PRAYER :-

For Bail in Crime No.249 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner / A1, who was arrested and remanded to judicial custody
on 03.05.2024 for the offences under sections 379 of IPC r/w 21(1) of the Mines and



Minerals (Development and Regulation) Act, 1957 in Crime No.249 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner has illegally transported $\frac{1}{2}$ unit of river sand. Hence the complaint.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. However, he is languishing in jail from 03.05.2024. Therefore, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police strongly opposes for grant of bail to the petitioner that the petitioner is involved in one previous case in similar nature.

5. Heard both sides. Perused the materials available on record including the First Information Report.

6. Taking into consideration the facts and submissions made by the learned counsels and also the period of incarceration and also the fact that the petitioner is involved in a previous cases in similar nature, this court is inclined to grant bail to the petitioner with some stringent conditions:

7. 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 learned Judicial Magistrate No.2,



Kulithalai, 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 make a non refundable deposit of Rs.5,000/- (Rupees Five Thousand only) to the credit of the Headmistress, Government Girls High School, Kottampatty, Melur in State Bank of India, Melur Branch, Account No.30636647339 IFSC No.SBIN0000258, MICR Code: 625002021, without prejudice to his contentions and rights before the trial Court and on such deposit being made, the learned Judicial Magistrate shall accept the sureties furnished by the petitioner.
- c) the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.
- d) the petitioner shall not abscond either during investigation or trial.
- e) the petitioner 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].

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

sd/-
23/05/2024

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23/05/2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

ABR
TO

- 1.The Judicial Magistrate No.2, Kulithalai.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, KARUR DISTRICT.
- 3.The Officer incharge, Sub Jail, Kulithalai.
- 4.The Inspector of Police, Kulithalai Police Station,
Karur District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

COPY TO:

The Headmistress, Government Girls High School, Kottampatty, Melur



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ORDER
IN
CRL OP(MD) No.7508 of 2024
Date :23/05/2024

MK/23.05.2024 5P 7C

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