



CRL OP(MD). No.7803 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 29/05/2024

PRESENT

The Hon`ble MRS JUSTICE L.VICTORIA GOWRI

CRL OP(MD). No.7803 of 2024

1.Senthilkumar
2.Akash

... Petitioners/ Accused Nos.1 and 3

Vs

The State represented by
The Inspector of Police,
Kallal Police Station,
Sivagangai District.
(Crime No.107/2024.)

... Respondent/Complainant

For Petitioners : Mr.A.Balaji, Advocate.

For Respondent : Mr.A.Albert James
Government Advocate (Crl. side)

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

PRAYER :-

For Bail in Crime No.107/2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners / A1 and A3 who were arrested and remanded to judicial



CRL OP(MD). No.7803 of 2024

custody on 17.05.2024 for the offences under sections 379 of IPC (*) and Section 21(4) of MMDR Act in Crime No.107 of 2024 on the file of the respondent police seek bail.

2. The case of the prosecution is that the petitioners have illegally transported 1 unit Gravel sand. Hence the complaint.

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. Hence, he prays for bail.

4. The learned Government Advocate (Crl.Side) submitted that there is no previous case is pending against the petitioners.

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

6. Taking into consideration of the facts and submissions made by the learned counsels and also the period of incarceration and also the fact that no previous case is pending against the petitioners, this court is inclined to grant bail to the petitioners, subject to the following conditions:

7. 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 learned Judicial Magistrate,

Karaikudi and on further conditions that :-

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CRL OP(MD). No.7803 of 2024

WEB COPY

[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 non refundable deposit of Rs.5,000/- (Rupees Five Thousand only) each to the credit of the Creche attached to Women Advocates Association, Madurai Bench of Madras High Court (Account No:6477041768, IFSC Code:- IDIB00H040, Indian Bank, High Court Branch, Madurai) for the purpose of maintaining creche and shall produce the receipt/acknowledgment before the concerned Court along with surety affidavit.

[c] the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of 30 days 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 petitioners 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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CRL OP(MD). No.7803 of 2024

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

sd/-
29/05/2024

**(*) BEING MENTIONED, AS PER THE ORDER OF
THIS HONOURABLE COURT DATED 30/05/2024 IN
CRL OP (MD) NO.7803 OF 2024.**

/ TRUE COPY /

30/05/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

LR

To
**TO BE SUBSTITUTED WITH THE ORDER DATED 29/05/2024 ALREADY
DESPATCHED.**

- 1.The Judicial Magistrate, Karaikudi.
- 2.Do through the Chief Judicial Magistrate,
Sivagangai District.
- 3.The Inspector of Police,
Kallal Police Station,
Sivagangai District.
- 4.The Officer Incharge,
District Prison,
Ramanathapuram.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



CRL OP(MD). No.7803 of 2024

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Copy to:

The Officer Incharge,
Women Advocates Association,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.A.BALAJI, Advocate (SR-5934[I] dated 29/05/2024)

ORDER

IN

CRL OP(MD) No.7803 of 2024

Date :29/05/2024

ED/ /SAR- (29/05/2024) 5P / 8C

LS

PKP/30.05.2024/ 5P/ 8C

Madurai Bench of Madras High Court is issuing certified
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