



CRL OP(MD). No.9930 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/07/2024

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.9930 of 2024

A.Suresh,

... Petitioner/ Accused 1

Vs

The Inspector of Police,
Eraniel Police Station,
Kanyakumari District.
Cr.No.305/2024.

... Respondent/ Complainant

For Petitioner : Mr.P.T.Ramesh Raja,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No. 305/2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused, who was arrested and remanded to judicial custody on 29.06.2024 for the offence punishable under Section 379 of IPC, in Crime No.305 of 2024 on the file of the respondent police, seeks bail.



CRL OP(MD). No.9930 of 2024

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2.The case of the prosecution is that the petitioner and the other accused were found in possession of 1 unit of blue metal without any valid permission or license. Hence, the case.

3.The learned counsel for the petitioner would submit the petitioner are innocent and they have been falsely implicated in this case. He would further submit that no previous case is pending against the petitioner. Hence, he prayed to grant bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that petitioner and the other accused were found in possession of 1 unit of blue metal worth about Rs.1,000/- without any valid permission or license. However, he fairly conceded that no previous case is pending against the petitioner.

5.Considering the period of incarceration and also considering the fact that no bad antecedent is reported against the petitioner, this Court is inclined to grant bail to the petitioner on certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on 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, Eraniel, Kanyakumari District.

(i)the sureties shall affix their photographs and left thumb impression in the



CRL OP(MD). No.9930 of 2024

surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii)the petitioner shall report before the concerned trial Court on all working days daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation;

(iii)the petitioner shall not tamper with evidence or witness;

iv)the petitioner shall not abscond during trial.

v)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 himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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

sd/-
05/07/2024

/ TRUE COPY /

05/07/2024
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

LS
TO

1 THE JUDICIAL MAGISTRATE, ERANIEL, KANYAKUMARI DISTRICT.

<https://www.hmc.tn.gov.in/judis>



CRL OP(MD). No.9930 of 2024

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, KANYAKUMARI DISTRICT AT NAGERCOIL.

3 THE OFFICER INCHARGE,
DISTRICT PRISON, NAGERCOIL, KANYAKUMARI DISTRICT.

4 THE INSPECTOR OF POLICE,
ERANIEL POLICE STATION,
KANYAKUMARI DISTRICT.

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

+1 CC to M/s.P.T.RAMESH RAJA, Advocate (SR-7473[I] dated 05/07/2024)

ORDER IN
CRL OP(MD) No.9930 of 2024
Date :05/07/2024

SA/SAR. /05.07.2024/4P/7C

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