



CRL OP(MD)No.10209 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 10.07.2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.10209 of 2024

Vinoth Kumar

... Petitioner/ Accused No.1

Vs

The Inspector of Police,
Kulithalai Police Station,
Karur District.
(Crime No.456 of 2024)

... Respondent/Complainant

For Petitioner : Mr.V.Vishnu, Advocate

For Respondent : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.456 of 2024 on the file of the respondent Police.

ORDER : The Court made the following order :-

The respondent police registered a case as against this petitioner in Crime No.456 of 2024 for the offence under Section 303(2) BNS and Section 21(1) of the Mines and Minerals (Development & Regulation) Act, 1957 and remanded him into judicial custody on 01.07.2024. Therefore, the petitioner has filed this petition seeking bail.



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2.The case of the prosecution is that the petitioner and other accused have illegally transported ½ unit of river sand by using a bolero pick-up truck.

3.The learned counsel for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. However, he is languishing in jail from 01.07.2024 and he is willing to deposit a sum of Rs.25,000/- in favour of the “Chief Educational Officer, Karur District” for the welfare of the Government Schools.

4.The learned Additional Public Prosecutor appearing for the respondent opposes for grant of bail on the ground that the petitioner is having four previous cases.

5.Considering the undertaking given by the petitioner and the period of incarceration, this Court is inclined to grant bail to the petitioner with certain conditions.

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



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i)on the petitioner executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties each for a like sum to the satisfaction of the Judicial Magistrate Court No.2, Kulithalai.

ii)The petitioner and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the government in proof of their residence address;

iii)The petitioner shall report before the respondent Police daily at 10.30 a.m. until further orders. He has to co-operate for the investigation.

iv)As per the willingness expressed by the petitioner, he shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) in favour of the “Chief Educational Officer, Karur District” for the welfare of the Government Schools.

(v)The petitioners shall file an affidavit of undertaking before the respondent police that they will not indulge in any offence in future.

(vi)The petitioner shall not misuse the liberty granted to him by indulging in



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any further offence and shall not tamper with the prosecution witnesses. He shall be available for the trial as well.

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vii) On violation of any of the above conditions by the petitioner, the respondent police shall move an application for cancellation of the bail.

7.It is needless to say that any tool or instrument or vehicle used for quarrying / transportation of sand is liable to be seized under Section 21(4) of the Mines and Minerals (Development & Regulation)Act, 1957 and any vehicle or instrument or tool which has been seized under Section 21(4) of the Mines and Minerals (Development & Regulation)Act, 1957, is liable to be confiscated.

sd/-
10/07/2024

/ TRUE COPY /

10/07/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS

TO

- 1 THE JUDICIAL MAGISTRATE NO.2
KULITHALAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
- 3 THE INSPECTOR OF POLICE
KULITHALAI POLICE STATION, KARUR DISTRICT.



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4 THE OFFICER INCHARGE,
SUB JAIL, KULITHALAI.

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

COPY TO:
THE CHIEF EDUCATIONAL OFFICER, KARUR DISTRICT.

+1 CC to M/s.V.VISHNU, Advocate (SR-7689[I] dated 10/07/2024)

ORDER
IN

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Date :10/07/2024

SS/SAR- /10/07/2024/5P/8C

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