



CRL OP(MD). No.10600 of 2024

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

Date : 16/07/2024

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN
CRL OP(MD). No.10600 of 2024

1. Therazhagan
2. Maruthamuthu
3. Arull @ Arulanantham

... Petitioners/ Accused No.2 to 4

Vs

The Inspector of Police,
Lalgudi Police Station,
Trichy District.
(Crime No.305/2024.)

... Respondent/Complainant

For Petitioners : M/s.K.Yasar Arafath, 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 petitioners/ A2 to A4, who were arrested and remanded to judicial custody on 26.05.2024 for the offences punishable under Sections 379 of IPC and Section 21(1) of Mines & Minerals (Development and Regulation) Act, 1957, in Crime No.305 of 2024 on the file of the respondent police, seek bail.



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2.The case of the prosecution is that the petitioners and the other accused have have illegally transported 2 units of river sand worth about Rs.8,000/-. Hence, the case.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that no previous case is pending against the petitioners and the petitioners are in judicial custody from 26.05.2024. Hence, he may be released on bail.

4.The learned Additional Public Prosecutor would submit that the investigation is yet to be completed But, however, he fairly conceded that no previous case is pending against the petitioners.

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

6.Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail, on 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 the learned Judicial Magistrate, Lalgudi.

(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar



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card or Bank Pass Book to ensure their identity;

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(ii)the petitioners 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 petitioners shall not tamper with evidence or witness;

iv)the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-
16/07/2024

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16/07/2024
Sub-Assistant Registrar (A.E)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS



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To

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1.The Judicial Magistrate,
Lalgudi.

2.Do through the Chief Judicial Magistrate,
Trichy District.

3.The Inspector of Police,
Lalgudi Police Station,
Trichy District.

4.The Officer Incharge,
Sub Jail, Lalgudi.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.K.YASAR ARAFATH, Advocate (SR-7997[I] dated 16/07/2024)

ORDER

IN

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Date :16/07/2024

ED/ /SAR- (16/07/2024) 4P / 7C

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