



CRL OP(MD). No.10804 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/07/2024

PRESENT

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

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Rajendiran,

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Jeyamangalam Police Station
Theni District.
Cr No.129/2024.

... Respondent/Complainant

For Petitioner : M/s.Prithviraj.P.R,
Advocate.

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

PETITION FOR BAIL Under Sec.483 of BNSS, 2023 U/s 439 of Cr.P.C.

PRAYER :- For Bail in Cr NO.129/2024 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested by the respondent police on 06.07.2024 for the offences punishable under Section 303 (2) of BNS and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.129 of 2024, seeks bail.

2.The case of the prosecution is that the petitioner has illegally transported 3 units of rough stone. Hence, the complaint.



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3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. However, he would further submit that the petitioner shall abide any condition imposed by this Court. Hence, he prays for bail.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioner has transported 3 units of rough stone illegally and he is having 2 previous cases. The investigation in this case is not yet completed. Hence, he strongly opposed to grant bail.

5.Considering the facts and circumstances of the case and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner with 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, Periyakulam.

(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 card or Bank Pass Book to ensure their identity;

(ii) the petitioner is directed to pay a sum of Rs.1,000/- (Rupees One Thousand



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only) to the credit of the Indian Association for the Blind, Alagar Kovil Road, Sundararajanpatti, Madurai., without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties;

(ii)the petitioner shall report before the respondent Police, 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/-
19/07/2024

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19/07/2024
Sub-Assistant Registrar (A.D.II)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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LS
TO
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1 THE JUDICIAL MAGISTRATE
PERIYAKULAM.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, THENI DISTRICT.

3 THE OFFICER INCHARGE,
SUB JAIL, PERIYAKULAM.

4 THE INSPECTOR OF POLICE,
JEYAMANGALAM POLICE STATION
THENI DISTRICT.

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

COPY TO:

THE OFFICER INCHARGE,
INDIAN ASSOCIATION FOR THE BLIND,
ALAGAR KOVIL ROAD,
SUNDARARAJANPATTI, MADURAI.

+1 CC to M/s.P.R.PRITHIVIRAJ, Advocate (SR-8127[I] dated 19/07/2024)

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ORDER
IN
CRL OP(MD) No.10804 of 2024
Date :19/07/2024

SA/SAR. /19.07.2024/5P/8C

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