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CRL OP(MD). No.10851 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/07/2024

PRESENT

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

CRL OP(MD). No.10851 of 2024

Suresh,

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Nadukaveri Police Station
Thanjavur District.
Cr No.324/2024.

... Respondent/Complainant

For Petitioner : M/s.Surliraja P,
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 Crime No.324/2024 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 offences punishable under Section 379 I.P.C r/w. Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in crime No.324 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner said to have illegally

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CRL OP(MD). No.10851 of 2024

transported $\frac{1}{4}$ unit of river sand. 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. Hence, he prays for grant of bail to the petitioner.

4.The learned Additional Public prosecutor would submit that the petitioner is not having any previous case and the investigation is almost completed and he strongly opposed to grant bail to the petitioner.

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 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, Thiruvaiyaru, Thanjavur District.

(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 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;



CRL OP(MD). No.10851 of 2024

(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] and

(vi) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A 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.

LS
TO
1 THE JUDICIAL MAGISTRATE,
THIRUVAIYARU, THANJAVUR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE OFFICER INCHARGE,
SUB JAIL, THANJAVUR.

4 THE INSPECTOR OF POLICE,
NADUKAVERI POLICE STATION THANJAVUR DISTRICT.

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CRL OP(MD). No.10851 of 2024

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

+1 CC to M/s.P.SURLI RAJA, Advocate (SR-8174[I] dated 19/07/2024)

ORDER
IN

CRL OP(MD) No.10851 of 2024
Date :19/07/2024

SA/SAR. /19.07.2024/4P/7C

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