



CRL OP(MD). No.11095 of 2024

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

Date : 22/07/2024

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN
CRL OP(MD). No.11095 of 2024

Barath @ Bharathkumar,

... Petitioner/1st Accused

Vs

State represented by
The Inspector of Police,
Paramakudi Town Police Station,
Paramakudi.
Ramanathapuram District.
Crime No.197 of 2024..

... Respondent/Complainant

For Petitioner : K.Yasar Arafath,
Advocate.

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

PETITION FOR BAIL Under Sec.483 BNS / Section 439 of Cr.P.C.

PRAYER :-

For Bail in Crime no.197 of 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

01.07.2024 for the offences punishable under Sections 379, 506(ii) IPC and Section 21

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



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(1) of Mines and Minerals (Development and Regulation) Act, 1957 in crime No.197 of 2024 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner herein and other accused have illegally transported 3 units of Savudu soil worth about Rs.30,000/- and the same has been recovered. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 01.07.2024, hence, he may be granted bail.

4.The learned Additional Public Prosecutor would submit that the property has been recovered and the petitioner is having eight previous cases. He would further submit that investigation of the case is pending and hence, 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 and that the property has been recovered, this Court is



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inclined to grant bail to the petitioner on certain conditions.

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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, Paramakkudi, Ramanathapuram District and on further conditions that;

(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 three 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.



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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 absconds, a fresh FIR can be registered under Section 229A IPC.

Sd/-
22 /07/2024

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22 /07/2024
Sub-Assistant Registrar (Writs)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

1. The Judicial Magistrate, Paramakkudi, Ramanathapuram District.
2. Do-Through The Chief Judicial Magistrate,
Ramanathapuram District.
3. The Superintendent, Sub Jail, Mudukulathur.



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4. The Inspector of Police,
Paramakudi Town Police Station,
Paramakudi.
Ramanathapuram District.

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

ORDER
IN
CRL OP(MD) No.11095 of 2024
Date : 22/07/2024

RD(22/07/2024) 5P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.