



CRL OP(MD). No.11068 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.11068 of 2024

1. Vallarasu

2. Pradeep

... Petitioners/ Accused No.1 and 2

Vs

The Inspector of Police,
Rajadhani Police Station,
Theni District.

Crime No. 156/2024.

... Respondent/ Complainant

For Petitioner : P.Senguttuarasan,
Advocate.

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

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

PRAYER :-

For Bail in Crime No. 156 of 2024 on the file of the respondent police.



CRL OP(MD). No.11068 of 2024

ORDER : The Court made the following order :-

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The petitioners/Accused, who were arrested and remanded to judicial custody on 09.07.2024 for the offences punishable under Sections 303(2) BNS 2023 and 21(4) of Mines and Minerals (Development and REgulation) Act, 1957 in crime No.156 of 2024 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that when the defacto complainant was in routine check up the petitioners have illegally transported 1 ½ units of red sand worth about Rs.4,500/-. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution and their names have been false implicated in this case. He would further submit that the petitioners are in judicial custody from 09.07.2024, hence he may be granted bail.

4.The learned Additional Public Prosecutor would submit that the petitioners are having one and two previous case respecitvely and hence, he strongly opposed to grant bail to the petitioners.



CRL OP(MD). No.11068 of 2024

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5.Considering the submissions made by the learned counsel on either side and also considering the period of incarceration, 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, Aundipatti, Theni 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 petitioners 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 petitioners shall not tamper with evidence or witness;



CRL OP(MD). No.11068 of 2024

iv)the petitioners 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 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 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, Aundipatti, Theni District.
2. Do-Through The Chief Judicial Magistrate,
Theni District.



CRL OP(MD). No.11068 of 2024

3. The Superintendent, District Prison, Theni.
4. The Inspector of Police,
Rajadhani Police Station,
Theni District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.11068 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.