



CRL OP(MD). No.11128 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/07/2024

PRESENT

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

CRL OP(MD). No.11128 of 2024

1. Boominathan

2. Sudhakar,

3. Karikalan,

... petitioners / Accused

Vs

The Inspector of Police,
Kumbakonam East Police Station
Thanjavur District.
Crime No.396/2024.

... Respondent/Complainant

For petitioners : Mr.B.Anandan,
Advocate.

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

PRAYER :- For Bail in Crime No.396/2024 on the file of the respondent Police.

ORDER : The Court made the following order :-



CRL OP(MD). No.11128 of 2024

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The petitioners / Accused, who were arrested and remanded to judicial custody on 03.07.2024 for the offences punishable under Section 303 (2) BNS r/w. Section 21 (4) of Mines and Minerals (Development and Regulation) Act, 1957, in crime No. 396 of 2024 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners said to have illegally transported ½ unit of river sand. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case and they are in judicial custody from 03.07.2024. Hence, he prays for grant of bail to the petitioners .

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

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 petitioners on

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CRL OP(MD). No.11128 of 2024

certain conditions.

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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 No.I, Kumbakonam, 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 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;

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

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CRL OP(MD). No.11128 of 2024

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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] and

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

sd/-
23/07/2024

/ TRUE COPY /

23/07/2024
Sub-Assistant Registrar (LIASONING)
Madurai Bench of Madras High Court,
Madurai - 625 023.

LS

TO

1. THE JUDICIAL MAGISTRATE NO.I,
KUMBAKONAM, THANJAVUR DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR @ KUMBAKONAM.
- 3.THE INSPECTOR OF POLICE,
KUMBAKONAM EAST POLICE STATION
THANJAVUR DISTRICT.
- 4.THE OFFICER IN CHARGE,
DISTRICT PRISON, PUDUKKOTTAI.



CRL OP(MD). No.11128 of 2024

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

+1 CC to M/s.B.ANANDAN, Advocate (SR-8389[I] dated 23/07/2024)

ORDER
IN
CRL OP(MD) No.11128 of 2024
Date :23/07/2024

RK (23/07/2024) 5P / 7C

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