



WEB COPY

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.11241 of 2024

Gunasekaran

... Petitioner/ Accused No.2

Vs

The State Rep.by
The Inspector of Police,
Vallam Police Station,
Thanjavur District.
(Crime No.336 of 2024)

... Respondent/Complainant

For Petitioner : Mr.K.M.Karunakaran

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor.
(Criminal Side)

PETITION FOR BAIL Under Sec.483 of B.N.S.S. U/s 439 of Cr.P.C.

PRAYER :-

For Bail in Cr No.336 of 2024 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 03.07.2024 for the offence punishable under Section 303(2) BNS r/w Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957 in Cr.No.336 of 2024 on the file of the respondent police, seeks bail.



2.The case of the prosecution is that the petitioner and other accused have illegally taken the red sand. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 03.07.2024, hence he may be released on bail.

4.The learned Additional Public Prosecutor would submit that the investigation is yet to be completed and the petitioner is having one previous case.

5.Considering the facts and circumstances of the case and 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 No.2, Thanjavur.



[i] the sureties shall affix their photographs and Left thumb Impression in the surety bond and the Special Court/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;

[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 Judicial 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].

[vii] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
23/07/2024

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



1.The Judicial Magistrate No.2,
Thanjavur.

2.Do Through,
The Chief Judicial Magistrate
Thanjavur at Kumbakonam.

3.The Officer in Charge,
Sub Jail,
Thanjavur.

4.The Inspector of Police,
Vallam Police Station,
Thanjavur District.

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

+1CC to M/s.K.M.Karunakaran,Advocate(SR.No.8411)

CRL OP(MD) No.11241 of 2024
Date :23/07/2024

MGJ(23.07.2024) 4P 7C

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