



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.11275 of 2024

Esakkidurai,

... Petitioner/Sole Accused

Vs

The State Rep.by
The Inspector of Police,
Nanguneri Police Station,
Tirunelveli District.
Crime No. 313 of 2024.

... Respondent/Complainant

For Petitioner : Mr.P.Ponraj,
Advocate.

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

PRAYER :- For Bail in Crime No. 313 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 09.07.2024 for the offences punishable under Section 303 (2) of BNS, in crime No.313 of 2024 on the file of the respondent police, seeks bail.



2.The case of the prosecution is that the petitioner is said to have illegally transported 2 units of M.sand.

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 09.07.2024, hence he may be released on bail.

4.The learned Additional Public Prosecutor would submit that the petitioner was illegally transported 2 units of M.sand and he is not having any previous case. The investigation is yet to be completed. Hence, he strongly opposed to grant bail.

5.Considering the facts and circumstances of the case and also considering the facts that the major part of the investigation might have been completed and the petitioner is in judicial custody from 09.07.2024 and he is not having any previous case, 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, Nanguneri.

(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;

(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].

sd/-
23/07/2024

/ TRUE COPY /

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

TO

1. The Judicial Magistrate,
Nanguneri.

2. Do Through,
The Chief Judicial Magistrate, Tirunelveli.

3. The Officer in Charge,
Sub Jail, Nanguneri, Tirunelveli.



4. The Inspector of Police,
Nanguneri Police Station,
Tirunelveli District.

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

+1CC to M/s.P.Ponraj, Advocate(SR.No.8326)

ORDER
IN
CRL OP(MD) No.11275 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