



CRL OP(MD). No.11359 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/07/2024

PRESENT

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

CRL OP(MD). No.11359 of 2024

Rasel,

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Natchiyarkoil Police Station,
Thanjavur District.
Cr.No.514/2024.

... Respondent/Complainant

For Petitioner : M/s.Gurumoorthy S,
Advocate.

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

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

PRAYER :- For Bail in Crime No.514 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 303(2) of BNS, 2023 r/w.

Section 21(1) of Mines and Minerals (Development and Regulation(Act) 1957, in



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crime No.514 of 2024 on the file of the respondent police, seeks bail.

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2.The case of the prosecution is that the petitioner herein illegally transported 5 bags of river sand worth about Rs.500/- by using Two Wheeler 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 false 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 there is no previous case is pending against the petitioner. He would further submit that the investigation of the case is pending and hence, strongly opposed to grant bail to the petitioner.

5.Considering the submissions made by the learned counsel on either side and that the property has been recovered and also 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



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learned Judicial Magistrate NO.II, Kumbakonam, and on further conditions that;

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(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 appear before the respondent police daily at 10.30 am 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].

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

sd/-
24/07/2024

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24/07/2024
Sub-Assistant Registrar (C.O)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TRP

TO

1 THE JUDICIAL MAGISTRATE NO.II,
KUMBAKONAM.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE OFFICER INCHARGE,
SUB JAIL, KUMBAKONAM.

4 THE INSPECTOR OF POLICE,
NATCHIYARKOIL POLICE STATION,
THANJAVUR DISTRICT.

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

+1 CC to M/s.S.GURUMOORTHY, Advocate (SR-8437[I] dated 24/07/2024)

ORDER IN

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Date :24/07/2024

SA/SAR. /24.07.2024/4P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.