



CRL OP(MD)No.11460 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 25.07.2024

PRESENT

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

CRL OP(MD)No.11460 of 2024

1.B.Saravanan

2.M.Madhavan

3.Deivakumar

... Petitioners/ Accused No. 1 - 3

Vs

The Inspector of Police,
Elayankudi Police Station,
Elayankudi,
Sivagangai District.
(Crime No.244 of 2024)

... Respondent/Complainant

For Petitioners : Mr.S.Pugalendhi

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

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

PRAYER :-

For Bail in Cr No.244 of 2024 on the file of the respondent Police.



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ORDER: The Court made the following order :-

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The petitioners, who were arrested and remanded to judicial custody on 20.07.2024 for the offence punishable under Section 303(2) BNS r/w Section 21(4) of the Mines and Minerals (Development and Regulation) Act, 1957 in Cr.No.244 of 2024 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners have illegally excavated savudu sand. Hence, the case.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case. He would further submit that the petitioners are in judicial custody from 20.07.2024, hence they may be released on bail.

4.The learned Additional Public Prosecutor would submit that the investigation is yet to be completed. However, he fairly conceded that no previous case is pending against the petitioners.

5.Considering the period of incarceration and also considering the fact that no bad antecedent is reported against the petitioners, 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/-

<https://www.mhc.tn.gov.in/judis>



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(Rupees Ten Thousand only)each with two sureties each for a like sum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Elayankudi.

[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 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 Judicial 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].



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

sd/-
25/07/2024

/ TRUE COPY /

25/07/2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

gns

TO

- 1.The District Munsif cum Judicial Magistrate,
Elayankudi.
2. Do through:
The Chief Judicial Magistrate,
Sivagangai.
- 3.The Superintendent,
Sub Jail,
Sivagangai.
- 4.The Inspector of Police,
Elayankudi Police Station,
Elayankudi,
Sivagangai District.



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

+1 CC to M/s.S.PUGALENDHI, Advocate (SR-8544[I] dated 25/07/2024)

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SL(25.07.2024)/ 5P/ 7C

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