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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/07/2024

PRESENT

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

CRL OP(MD). No.11741 of 2024

D.Arivazhagan

... Petitioner/ A2

Vs

The Sub Inspector of Police,
Vattathikottai Police Station,
Thanjavur District.
Crime No. 216 of 2024..

... Respondent/ Complainant

For Petitioner : Mr.V.Muthu Kamatchi,
Advocate.

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

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

PRAYER :-

For Bail in Crime No. 216 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 22.07.2024 for the offences punishable under Section 303(2) of BNS, 2023 and 21



(1) of Mines and Minerals (Development and Regulation) Act, 1957 in crime No.216 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 and other accused have illegally transported $\frac{1}{4}$ units of river sand by using Two Wheelers. 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. He would further submit that the petitioner is in judicial custody from 22.07.2024, hence he may be granted bail.

4.The learned Additional Public Prosecutor would submit that the petitioner herein is having 2 previous cases and the investigation of the case is pending.

5.Considering the submissions made by the learned counsel on either side 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 learned Judicial Magistrate, Pattukkottai, 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

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



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 four 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/-
26/07/2024

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26/07/2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP
TO

1 THE JUDICIAL MAGISTRATE
PATTUKKOTTAI



2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
THANJORE DISTRICT AT KUMBAKONAM.

3 THE OFFICER INCHARGE,
SUB JAIL, PUDUKKOTTAI.

4 THE SUB INSPECTOR OF POLICE
VATTATHIKOTTAI POLICE STATION,
THANJAVUR DISTRICT.

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

+1 CC to M/s.V.MUTHUKAMATCHI, Advocate (SR-8745[I] dated 26/07/2024)

ORDER
IN
CRL OP(MD) No.11741 of 2024
Date :26/07/2024

MK/26.07.2024 4P 7C

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