



CRL OP(MD)No.11859 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29.07.2024

PRESENT

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

CRL OP(MD)No.11859 of 2024

Sureshkumar

... Petitioner / Accused No.2

Vs

The Inspector of Police,
Kurumbur Police Station,
Toothukudi.
Crime No.46 of 2024

... Respondent/Complainant

For Petitioner : Mr.AK.Gopalan, Advocate

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.46 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 10.07.2024
for the offence punishable under Section 379 IPC and Section 21(1) of the Mines and



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Minerals (Development & Regulation) Act in Cr.No.46 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 and other accused have illegally transported three units of gravel 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 10.07.2024, 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 six previous cases.

5.Considering the facts and circumstances of the case 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



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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.I, Srivaigundam, Thoothukudi District.

[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 three 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].



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[vii] If the accused thereafter absconds, a fresh FIR can be registered under

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Section 229A IPC.

sd/-
29/07/2024

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29/07/2024

Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS

TO

- 1 THE JUDICIAL MAGISTRATE NO.I
SRIVAIGUNDAM, THOOTHUKUDI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3 THE INSPECTOR OF POLICE
KURUMBUR POLICE STATION, THOOTHUKUDI.
- 4 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI, TIRUNELVELI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+2 CC to M/s.AK.GOPALAN, Advocate (SR-8828[I] dated 29/07/2024)



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ORDER
IN
CRL OP(MD) No.11859 of 2024
Date :29/07/2024

SS/SAR- /29/07/2024/5P/8C

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