



CRL OP(MD). No.12082 of 2024

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

Date : 30/07/2024

PRESENT

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

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Siva

... Petitioner/ Accused No.3

Vs

The Inspector of Police,
Patteeswaram Police Station,
Thanjavur District.
(Crime No. 251/2018.)

... Respondent/Complainant

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

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

PETITION FOR BAIL Under Sec.483 of B.N.S.S.

PRAYER :- To enlarge the petitioner on bail in the event of their arrest by the respondent police in C.C No. 122 of 2019 on the file of the Judicial Magistrate court No.2, Kumbakonam, Thanjavur district.

ORDER : The Court made the following order :-

This Petition is filed to enlarge the petitioner on bail in the event of their arrest by the respondent police in C.C No. 122 of 2019 on the file of the Judicial Magistrate



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court No.2, Kumbakonam, Thanjavur district

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2. The petitioner/Accused, who was arrested and remanded to judicial custody on 17.07.2024 for the offences punishable under Section 379 I.P.C r/w. Section 21(4) of Mines and Minerals (Development and Regulation) Act,1957, in crime No.251 of 2018 on the file of the respondent police, seeks bail.

3. Earlier the petitioner was granted bail in Crime No. 251 of 2018 and in C.C., stage he absconded. After completing the investigation, the respondent police filed charge sheet and the same was numbered as C.C.No.122 of 2019. On 15.06.2024, due to ill-health of the petitioner, he was not able to attend the trial Court, hence, the trial Court has issued issued non bailable warrant for appearance on him and he was arrested on 17.07.2024.

4.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 17.07.2024, hence he may be enlarged on bail.

5.The learned Additional Public Prosecutor would submit that due to non appearance of the petitioner on 15.03.2024, the trial Court has issued non bailable warrant. Hence, he strongly opposed to allow the petition.

6.Considering the facts and circumstances of the case and also considering the



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period of incarceration, this Court is inclined to grant bail to the petitioner on certain conditions.

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7. 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 Magistrate court No.2, Kumbakonam, 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 card or Bank Pass Book to ensure their identity;

(ii) the petitioner shall report before the trial Court daily at 10.30 a.m., on every hearing without fail;

(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].



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(f)if the accused thereafter absconds, a fresh FIR can be registered under

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Section 229-A IPC.

sd/-
30/07/2024

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31/07/2024

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

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To

- 1.The Judicial Magistrate No.II,
Kumbakonam, Thanjavur District.
- 2.Do through the Chief Judicial Magistrate,
Thanjavur District at Kumbakonam.
- 3.The Inspector of Police,
Patteeswaram Police Station,
Thanjavur District.
- 4.The Officer Incharge,
Central Sub Jail, Kumbakonam.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN

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Date :30/07/2024



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ED/ /SAR- (31/07/2024) 5P / 5C

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