



CRL OP(MD). No.12049 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

CRL OP(MD). No.12049 of 2024

Britto Prabakaran @ Prito Prabakaran,

... Petitioner/ Accused No.2

Vs

**The Inspector of Police,
Malaiyur Police Station,
Pudukkottai District.
Crime No. 123/2024.**

... Respondent/ Complainant

For Petitioner : Mr.D.Rameshkumar,Advocate.

For Respondent : Mr.R.M.Anbunithi,

Additional Public Prosecutor

PETITION FOR BAIL Under Sec. 483 of BNSS

PRAYER :-

For Bail in Crime No. 123 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

23.07.2024 for the offences punishable under Section 303(2) BNS, 2023 r/w. Section 21

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



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(1) of Tamil Nadu Mines and Minerals (Development and Regulations) Act, 1957, in crime No.123 of 2024 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and other accused were illegally transported 2 ½ units of river sand without valid license by using Tipper Lorry.

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 23.07.2024, hence he may be released on bail.

4.The learned Government Advocate (Crl. side) would submit that totally seven accused and the petitioner is arrayed as A2 and he is not having any previous case and the investigation is pending. Hence, he strongly opposed to grant bail.

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.



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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 District Munisf cum Judicial Magistrate, Karambakudi, Pudukkottai 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 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 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

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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].

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
30/07/2024

/ TRUE COPY /

31/07/2024
Sub-Assistant Registrar (AE)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

- 1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, KARAMBAKUDI,
PUDUKOTTAI DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
MALAIYUR POLICE STATION,
PUDUKKOTTAI DISTRICT.
- 4 THE OFFICER INCHARGE
DISTRICT PRISON, PUDUKKOTTAI.



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

ORDER
IN

CRL OP(MD) No.12049 of 2024

Date :30/07/2024

PKP/31.07.2024/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified
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