



WEB COPY

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.12066 of 2024

Mangaleshwaran,

... Petitioner/Sole Accused

Vs

The State Rep.by
The Inspector of Police,
Bazar Police Station,
Ramanathapuram District.
Crime No. 231/2024.

... Respondent/Complainant

For Petitioner : Mr.B..Mahendrarajan,
Advocate.

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

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No. 231 of 2024 on the file of the Respondent Police.



ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 19.07.2024 for the offences punishable under Sections 303 of BNS Act and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in crime No.231 of 2024 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner has illegally transported 1/2 unit river sand worth about Rs.9,000/-. 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 no previous case is pending against the petitioner and he is in judicial custody from 19.07.2024. Hence, he may be released on bail.

4.The learned Additional Public Prosecutor would submit that the petitioner has illegally transported 1/2 unit river sand worth about Rs.9,000/-. The investigation is in preliminary stage. However, he fairly conceded that the no previous case is pending against the petitioner.

5.Considering the considering the period of incarceration and the considering the fact that no bad antecedent is reported against the petitioner, 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 No.I, Ramanathapuram.

(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 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].

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

sd/-

30/07/2024

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/ /2024

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



TO

1 THE JUDICIAL MAGISTRATE NO.I,
RAMANATHAPURAM.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3 THE OFFICER IN CHARGE,
RAMANATHAPURAM DISTRICT JAIL..

4 THE INSPECTOR OF POLICE
BAZAR POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

ORDER

IN

CRL OP(MD) No.12066 of 2024

Date :30/07/2024

MGJ(01.08.2024) 4P 6C

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