



CRL OP(MD). No.12217 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/07/2024

PRESENT

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

CRL OP(MD). No.12217 of 2024

1. Alex @ Yuvaraj,

2. Athishtakaman,

3. Ganesan,

4. M.Jayakaman,

... Petitioners/ Accused 1 to 4

Vs

The Inspector of Police,
Sindupatty Police Station,
Madurai District.
Crime No.140/2024.

... Respondent/Complainant

For Petitioners : Mr. C.Jeganathan,
Advocate.

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

PETITION FOR BAIL Under Sec.483 BNSS

PRAYER :- For Bail in Crime no.140 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/ Accused, who were arrested and remanded to judicial custody



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on 26.07.2024 for the offences punishable under Sections 303 BNS, 2023 and Section 21(4) of Mines and Minerals (Development and Regulations) Act, 1957, in crime No.140 of 2024 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners were illegally transported 4 units of saral sand, worth about Rs.13,000/-. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as mentioned in the FIR and they are in judicial custody from 26.07.2024 and hence they may be granted bail.

4.The learned Additional Public Prosecutor would submit that totally four accused and the petitioners were arrayed as A1 to A4 and the investigation is pending and hence, he strongly opposed this petition.

5. Considering the facts and circumstances fo the case and also considering the period of incarceration, this Court is inclined to grant bail to the petitioners on certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Thirumangalam.

(i)the sureties shall affix their photographs and left thumb impression in the



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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 petitioners shall report respondent police daily at 10.30 a.m.,for a period of four weeks and thereafter as and when required for interrogation;

(iii)the petitioners shall not tamper with evidence or witness;

iv)the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
31/07/2024

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01/08/2024
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

LS
TO
1 THE JUDICIAL MAGISTRATE,
THIRUMANGALAM.



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2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, MADURAI DISTRICT.

3 THE OFFICER INCHARGE,
SUB JAIL, THIRUMANGALAM.

4 THE INSPECTOR OF POLICE,
SINDUPATTY POLICE STATION,
MADURAI DISTRICT.

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

+1 CC to M/s.C.JEGANATHAN, Advocate (SR-9038[I] dated 31/07/2024)

ORDER IN
CRL OP(MD) No.12217 of 2024
Date :31/07/2024

SA/SAR. /01.08.2024/4P/7C

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