



CRL OP(MD). No.12219 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.12219 of 2024

1. Dinesh,

2. Sakthivel,

3. Ajith,

4. Madhavan,

... Petitioners/ Accused No.4 TO 6 & 9

Vs

The Inspector of Police,
Thiruneelakudi Police Station,
Thanjavur District.
Crime No.426 of 2024.

... Respondent/Complainant

For Petitioners : Mr.K. M.Karunakaran,
Advocate.

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- For Bail in Crime no.426 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



CRL OP(MD). No.12219 of 2024

custody on 28.07.2024 for the offences punishable under Sections 303 (2)BNS, 2023
r/w. Section 21(1) of Mines and Minerals (Development and Regulations) Act, 1957,
in crime No.426 of 2024 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners were illegally transported
1 ½ unit of river sand. 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 28.07.2024 and hence they may be granted bail.

4.The learned Additional Public Prosecutor would submit that totally eleven
accused and the petitioners were arrayed as A4 to A6 and A9 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.



CRL OP(MD). No.12219 of 2024

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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, Thiruvudaimaruthur.

(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 petitioners shall report respondent police daily at 10.30 a.m., for a period of three 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].



CRL OP(MD). No.12219 of 2024

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,
THIRUVIDAIMARUTHUR.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
 - 3 THE INSPECTOR OF POLICE
THIRUNEELAKUDI POLICE STATION,
THANJAVUR DISTRICT.
 - 4 THE OFFICER INCHARGE,
SUB JAIL, THANJAVUR.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.K.M.KARUNAKARAN, Advocate (SR-9115[I] dated 31/07/2024)



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CRL OP(MD). No.12219 of 2024

ORDER
IN
CRL OP(MD) No.12219 of 2024
Date :31/07/2024

SS/SAR- /01/08/2024/5P/7C

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