



CRL OP(MD). No.12408 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/08/2024

PRESENT

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

CRL OP(MD). No.12408 of 2024

1. Manoj

2. Sathyaseelan

... Petitioners/ Accused No.1 & 2

Vs

The Inspector of Police,
Elayankudi Police Station,
Sivagangai District,
(Crime No.252/2024.)

... Respondent/Complainant

For Petitioners : M/s.M.S.Jeyakarthik, Advocate.

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.252/2024 on the file of the respondent police



CRL OP(MD). No.12408 of 2024

ORDER: The Court made the following order :-

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The petitioners/ Accused, who were arrested and remanded to judicial custody on 27.07.2024 for the offences punishable under Sections 303(2) BNS, 2023 r/w. 21(4) of Mines and Minerals (Development and Regulation) Act, 1957 in crime No.252 of 2024 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners herein have illegally transported 1/4 unit of Savudu Sand and the same has been recovered. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution and their names have been false implicated in this case. He would further submit that the petitioner is in judicial custody from 27.07.2024, hence, they may be granted bail.

4.The learned Additional Public Prosecutor would submit that the property has been recovered and the petitioners are not having any previous cases respectively and the investigation of the case is pending.

5.Considering the submissions made by the learned counsel on either side and that the property has been recovered and also considering the period of incarceration, this Court is inclined to grant bail to the petitioners on certain



CRL OP(MD). No.12408 of 2024

conditions.

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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, Illaynkudi, and on further conditions that;

(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 appear before the respondent police daily at 10.30 am 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.12408 of 2024

vii) If the accused thereafter absconds, a fresh FIR can be registered under
Section 229A IPC.

sd/-
01/08/2024

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/08/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

To

1.The Judicial Magistrate,
Illayankudi.

2.Do through the Chief Judicial Magistrate,
Sivagangai District.

3.The Inspector of Police,
Elayankudi Police Station,
Sivagangai District.

4.The Officer Incharge,
District Jail, Sivagangai.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1CC to M/s.JEYAKARTHIK, Advocate, SR No.9188(I), dated 01.08.2024



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CRL OP(MD). No.12408 of 2024

ORDER

IN

CRL OP(MD) No.12408 of 2024

Date :01/08/2024

ED/ VR /SAR- (02/08/2024) 5P / 7C

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