



CRL OP(MD). No.12392 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.12392 of 2024

1. Albert @ Allpert,

2. Victor Jones,

... Petitioners/ Accused 1 & 2

Vs

The Sub Inspector of Police,
Pazhavor Police Station,
Tirunelveli District,
Crime No.199/2024.

... Respondent/ Complainant

For Petitioners : M/s.Appaji.C.K.M,
Advocate.

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

PETITION FOR BAIL Under Sec.483 BNSS / 439 of Cr.P.C.

PRAYER :- For Bail in Crime No.199/2024 on the file of the respondent police
ORDER : The Court made the following order :-

The petitioners/ Accused, who was arrested and remanded to judicial custody
on 28.07.2024 for the offences punishable under Sections 303(2), 318(4) of BNS, 2023
and 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in crime



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No.199 of 2024 on the file of the respondent police, seek bail.

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2.The case of the prosecution is that the petitioners herein have illegally transported 8 units for M-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 28.07.2024, hence, they may be granted bail.

4.The learned Additional Public Prosecutor would submit that the property has been recovered and the petitioners are having 4 and 2 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 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, Valliyur, Thirunelveli District and on further



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conditions that;

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(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].

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

sd/-
01/08/2024

/ TRUE COPY /

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



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TRP

TO

1 THE JUDICIAL MAGISTRATE,
VALLIYUR, TIRUNELVELI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, TIRUNELVELI DISTRICT.

3 THE OFFICER INCHARGE,
SUB JAIL, NANGUNERI, TIRUNELVELI DISTRICT.

4 THE SUB INSPECTOR OF POLICE,
PAZHAVOOR POLICE STATION, TIRUNELVELI DISTRICT.

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

+1 CC to M/s.C.K.M.APPAJI, Advocate (SR-9163[I] dated 01/08/2024)

ORDER IN
CRL OP(MD) No.12392 of 2024
Date :01/08/2024

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

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