



CRL OP(MD)No.12542 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02.08.2024

PRESENT

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

CRL OP(MD)No.12542 of 2024

1.Manikandan

2.Javagar Sathic

... Petitioners/ Accused Nos.1 & 2

Vs

The State Rep.by
The Inspector of Police,
Papanasam Police Station,
Thanjavur District.
(Crime No.660 of 2024)

... Respondent/ Complainant

For Petitioners : Mr.S.Sathya Chidambaram

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

PETITION FOR BAIL Under Sec.483 of B.N.S.S. U/s 439 of Cr.P.C.



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PRAYER :-

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For Bail in Cr No.660 of 2024 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners, who were arrested and remanded to judicial custody on 25.07.2024 for the offence punishable under Section 303(2) of the Bharatiya Nyaya Sanhita and Section 21(4) of the Mines and Minerals (Development and Regulation) Act, 1957 in Cr.No.660 of 2024 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the accused persons have illegally transported $\frac{1}{4}$ unit of river sand. Hence, the case.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case. He would further submit that the petitioners are in judicial custody from 25.07.2024, hence they may be released on bail.

4.The learned Additional Public Prosecutor would submit that the investigation is yet to be completed. However, he fairly conceded that no previous case is pending against the petitioners.

5.Considering the period of incarceration and also considering the fact that no bad antecedent is reported against the petitioners, this Court is inclined to grant bail to the petitioners on certain 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, Papanasam, Thanjavur District.

[i] the sureties shall affix their photographs and Left thumb Impression in the surety bond and the Special Court/concerned Court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[ii] The petitioners shall report before the respondent police daily at 10.30 a.m, for a period of three weeks and thereafter, as and when required;

[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 Judicial 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].



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

sd/-
02/08/2024

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

TO

1.The Judicial Magistrate,
Papanasam,
Thanjavur District.

2.Do Through,
The Chief Judicial Magistrate,
Thanjavur District at Kumbakonam.

3.The Officer in charge,
District Prison,
Thanjavur.



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4.The Inspector of Police,
Papanasam Police Station,
Thanjavur District.

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

ORDER
IN
CRL OP(MD) No.12542 of 2024
Date :02/08/2024

MGJ/05.08.2024/5P/6C

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