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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 16/08/2024
PRESENT
The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY
CRL OP(MD). No.13400 of 2024

1. Prasanth @ Prasath,

2. Deva @ Boominathan, ... Petitioners/Accused No. 1 & 2

Vs

The Inspector of Police,
Thiruvaiyaru Police Station,
Thanjavur
District.
Crime No. 420/2024.. ... Respondent/Complainant

For Petitioner : M/s. Prabu.M, Advocate.
For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

PETITION FOR BAIL UNDER SECTION 483 OF BNSS

PRAYER :-

For Bail in Crime No. 420 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 on 02.08.2024 for the offences punishable under Sections 303(II) of BNS Act (379 IPC) r/w. 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime

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No.420 of 2024 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners herein and other accused have illegally transported 4 bags of river sand by using Two Wheeler. Hence the case.

3. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor appearing for the respondent and perused the materials available on record.

4. Considering the facts and circumstances and also considering the nature of allegations made against the petitioners, I am inclined to enlarge the the petitioners on bail.

5. 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, Thiruvaiyaru.

(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 are directed to deposit a sum of Rs.3,000/- (Rupees Three Thousand only) each to the credit of Headmistress, Government Higher Secondary School, E.Malampatti, Melur Taluk, Madurai District. (Account No.10662832760, CIF

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No; 80521814092, IFSC Code: SBIN0000258, State Bank of India, Melur Branch, Madurai), without prejudice to their rights and contentions before the trial Court;

(iii)the petitioners shall appear before the respondent Police daily at 10.30 a.m for a period of two weeks and thereafter, as and when required for interrogation;

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

v)the petitioners shall not abscond during trial.

vi)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].

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

sd/-
16/08/2024

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16 / 08 /2024
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

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TO

1 THE JUDICIAL MAGISTRATE
THIRUVAIYARU

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
THANJORE DISTRICT AT KUMBAKONAM

3 THE SUPERINTENDENT,
SUB JAIL, THANJAVUR.

4 THE INSPECTOR OF POLICE
THIRUVAIYARU POLICE STATION,
THANJAVUR DISTRICT.

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

COPY TO

THE HEADMISTRESS,
GOVERNMENT HIGHER SECONDARY SCHOOL,
E.MALAMPATTI, MELUR TALUK, MADURAI DISTRICT.

ORDER
IN
CRL OP(MD) No.13400 of 2024
Date :16/08/2024

PSP/ /SAR /16.08.2024/ 4P/ 7C

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

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