



CRL OP(MD). No.14572 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 02/09/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.14572 of 2024

S.Murugan

... Petitioner/ Accused No.2

Vs

The Inspector of Police,
Kadaladi Police Station,
Ramanathapuram District.
(Crime No.91 of 2024.)

... Respondent/ Complainant

For Petitioner : M/s. Muthu Saravanan.C, Advocate.

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- For Bail in Crime No.91 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ Accused, who was arrested and remanded to judicial custody on 21.08.2024 for the offences punishable under Sections 303(ii) of BNS, 2023 r/w. Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.91 of 2024 on the file of the respondent police, seeks bail.



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2. The case of the prosecution is that the petitioner and the other accused had attempted to quarry the sand from the river. Hence, the case.

3. Heard the learned counsel on either side and perused the material records of the case.

4. Considering the facts and circumstances of the case and also considering the fact that the petitioner is said to be the driver for the JCB involved in attempting to quarry sand from the river and considering the fact that the petitioner is in jail from 21.08.2024 and considering the argument of the learned counsel for the petitioner that the petitioner will file an undertaking affidavit that he will not drive this vehicle, which were involved in sand quarrying in any river or any waterbody, I am inclined to grant bail to the petitioner on certain conditions.

5. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Kadaladi, Ramanathapuram 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 petitioner shall file an undertaking affidavit that he will not drive the



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vehicle, which were involved in sand quarrying in any river or any waterbody, before the trial Court. Only upon such affidavit, the petitioner shall be enlarged on bail;

(iii) The petitioner shall report before the respondent police daily at 10.30 a.m, for a period of three weeks and thereafter, as and when required for interrogation;

[iv] the petitioner shall not tamper with evidence or witness;

[v] the petitioner shall not abscond during trial.

[vi] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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 229A IPC.

sd/-
02/09/2024

/ TRUE COPY /

02/09/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

LS



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To

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1.The Judicial Magistrate,
Kadaladi, Ramanathapuram District.

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

3.The Inspector of Police,
Kadaladi Police Station,
Ramanathapuram District.

4.The Officer Incharge,
Sub Jail, Mudhukulathur,
Ramanathapuram District.

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

+1 CC to M/s.C.MUTHU SARAVANAN, Advocate (SR-10682[I] dated
02/09/2024)

ORDER

IN

CRL OP(MD) No.14572 of 2024

Date :02/09/2024

ED/ /SAR- (02/09/2024) 4P / 7C

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