



CRL OP(MD). No.15439 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/09/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.15439 of 2024

1. Kaviyarasan
2. Mahendran

... Petitioners/ Accused No.1 & 2

Vs

The Inspector of Police,
Kovilpatti East Police Station,
Thoothukudi District.
(Crime No.404 of 2024)

... Respondent/Complainant

For Petitioners : Mr.A.S.Vaigunth, Advocate.

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

PETITION FOR BAIL UNDER SEC 483 of BNSS

PRAYER :-

For Bail in Crime no.404 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 29.08.2024 for the offences punishable under Sections 303(2) of BNSS r/w. 21(1) of Mines and Minerals (Development and Regulations) Act, 1957 in Crime No.404 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 had illegally transported 3 ½ units of gravel sand. Hence, the case.

3.Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the respondent Police.

4.Considering the nature of allegation and also considering the undertaking of the petitioners to show their bonafide they are ready and willing to deposit a sum of Rs.2,000/- each and also considering the fact that the petitioners are in jail from 29.08.2024, I am inclined enlarge the petitioners on bail on certain conditions.

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 No.I, Kovilpatti, Thoothukudi 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] As per undertaken, the petitioners are directed to deposit a sum of Rs.2,000/- (Rupees Two Thousand only) each to the credit of Headmistress, Government Higher Secondary School, Maharajapuram, Watrap Taluk, Virudhunagar District, (Account No.30596803302, CIF No; 85390730313, IFSC Code:



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SBIN0000921, State Bank of India, Srivilliputtur Branch), without prejudice to their rights and contentions before the trial Court;

(iii) The petitioners shall report 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 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].

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

sd/-
12/09/2024

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12/09/2024

Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP



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TO

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1 THE JUDICIAL MAGISTRATE NO.I, KOVILPATTI, THOOTHUKUDI DISTRICT.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

3 THE OFFICER INCHARGE, SUB JAIL, KOVILPATTI.

4 THE INSPECTOR OF POLICE, KOVILPATTI EAST POLICE STATION,
THOOTHUKUDI DISTRICT.

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

COPY TO

THE HEADMISTRESS, GOVERNMENT HIGHER SECONDARY SCHOOL,
MAHARAJAPURAM, WATRAP TALUK, VIRUDHUNAGAR DISTRICT.

ORDER

IN

CRL OP(MD) No.15439 of 2024

Date :12/09/2024

RS//SAR-(12.09.2024) 4P 7C

Madurai Bench of Madras High Court is issuing
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