



CRL OP(MD). No.15842 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/09/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.15842 of 2024

1. Chandra Sekaran,

2. Sudalai Mani,

3. Kalidass,

... Petitioners/ Accused Nos.1 ,2 & 3

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Serakulam Police Station,
Thoothukudi District.
Crime No. 43/2024.

... Respondent/Complainant

For Petitioner : M/s.Perumal Prabhu.B,
Advocate.

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 Crime No. 43 of 2024 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners/ A1 to A3, who were arrested and remanded to judicial custody on 05.09.2024 for the offences punishable under Sections 303(2) of the Bharatiya Nyaya Sanhita (BNS), 2023 and Section 21(4) of Mines and Minerals (Development and Regulations) Act, 1957, in Crime No.43 of 2024 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners herein had illegally transported 2 units of saral sand. 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 nature of allegations made against the petitioners, I am inclined to enlarge the petitioners on bail.



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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, Srivaikundam.

(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.500/- (Rupees Five Hundred only) each to the credit of Headmistress, Government Higher Secondary School, Maharajapuram, Watrap Taluk, Virudhunagar District, (Account No.30596803302, CIF No; 85390730313, IFSC Code: SBIN0000921, State Bank of India, Srivilliputur Branch), 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;



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(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/-
20/09/2024

/ TRUE COPY /

20/09/2024
Sub-Assistant Registrar (AE)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS



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TO
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1. The Judicial Magistrate No.I, Srivaikundam.
2. Do-Through The Chief Judicial Magistrate,
Tuticorin District.
3. The Officer in charge, , Sub Jail, Srivaikundam..
4. The Inspector of Police,
Serakulam 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,

+1 CC to M/s.M.S.JEYAKARTHIK, Advocate (SR-11453[I] dated 20/09/2024)

ORDER
IN
CRL OP(MD) No.15842 of 2024
Date :20/09/2024

RK (20/09/2024) 5P / 8C

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