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CRL OP(MD). No.17249 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/10/2024

PRESENT

The Hon`ble Mr.Justice K. RAJASEKAR

CRL OP(MD). No.17249 of 2024

M.Mahendran,

... Petitioner/ Accused No.2

Vs

The State of Tamilnadu,
Rep by the Inspector of Police,
Velayuthampalayam Police Station,
Karur District.

Crime No. 359 of 2024.

... Respondent/Complainant

For Petitioner : M/s.Gunasekaran.R,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- For Bail in Crime No.359 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 27.09.2024 for the offence punishable under Section 303(2) of BNS Act and Section 21 (1) of Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.359 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and the other accused have

<https://www.mhc.tn.gov.in/judis>



CRL OP(MD). No.17249 of 2024

illegally transported 2 units of Black Stone worth about Rs.2,280/-. Hence, the complaint.

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3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the co-accused (A1) was already released on anticipatory bail by this Court and the petitioner is in custody from 27.09.2024. Hence, he seeks bail.

4. The learned Additional Public Prosecutor would submit that the petitioner and the other accused have illegally transported 2 units of Black Stone worth about Rs.2,280/-. However he fairly concedes that the co-accused (A1) was already released on anticipatory bail by this Court and no previous case is pending against the petitioner.

5. Considering the period of incarceration and also considering the facts that the co-accused was already released on anticipatory bail and no previous case is pending against the petitioner, this Court is inclined to grant bail to the petitioner on certain conditions.

6. 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.20,000/- (Rupees Twenty Thousand only) with two sureties each for a like sum to the satisfaction of the learned Principal District and Sessions Judge, Karur.



CRL OP(MD). No.17249 of 2024

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(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 petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

(iii)the petitioner shall not tamper with evidence or witness;

iv)the petitioner shall not abscond during trial.

v)On breach of any of the aforesaid conditions, the learned 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].

vi)If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
09/10/2024

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09/10/2024
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.



CRL OP(MD). No.17249 of 2024

DSS

TO

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1 THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
KARUR.

2 THE OFFICER INCHARGE,
SUB JAIL, KARUR.

3 THE INSPECTOR OF POLICE,
VELAYUTHAMPALAYAM POLICE STATION, KARUR DISTRICT.

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

+1 CC to M/s.R.GUNASEKARAN, Advocate (SR-12338[I] dated 09/10/2024)

ORDER IN

CRL OP(MD) No.17249 of 2024

Date :09/10/2024

SA/SAR. /09.10.2024/4P/6C

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