



CRL OP(MD). No.19571 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/11/2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD). No.19571 of 2024

Babu

... Petitioner/ Accused No.1

Vs

The State of Tamil Nadu,
Rep By,
The Sub Inspector of Police,
Kaliyakkavilai Police Station,
Kanniyakumari District.
(Cr.No.347 of 2024.)

... Respondent/Complainant

For Petitioner : M/s.Appaji.C.K.M, Advocate

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Cr.No.347 of 2024 on the file of the respondent police.



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ORDER: The Court made the following order :-

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The petitioner/A1, who was arrested and remanded to judicial custody on 19.10.2024 for the offences under Sections 335, 340(2) and 303(2) of BNS (hereinafter referred to as new penal code) in Crime No.347 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that this petitioner was driving a tipper lorry on 19.10.2024 and on inspection it was found that the lorry was loaded with crushed stones (Jally). On enquiry, the petitioner had produced a transit pass. On verification, it was found that this transit pass was a fabricated document. There are totally two accused persons in this case and the petitioner has been arrayed as A1.

3. Heard the learned Counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent police.

4. Taking into consideration the facts and circumstances of the case and also considering the fact that the indiscriminating materials have been seized and the lorry has also been seized and the petitioner has suffered incarceration from 19.10.2024 onwards and there are no previous cases pending against the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions.

5. Accordingly, the criminal original petition is ordered and the petitioner is



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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 No.I, Kuzhithurai, and on further conditions that:-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police every Monday and Friday at 05.30 p.m for a period of four weeks and thereafter, as and when required for interrogation.

[c] the petitioner shall appear before the trial Court during every hearing date without fail.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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].



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[g] If the accused thereafter absconds, a fresh FIR can be registered under

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Section 229A IPC.

sd/-
15/11/2024

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/11/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

LR

To

1.The Judicial Magistrate No.I,
Kuzhithurai.

2.Do through the Chief Judicial Magistrate,
Kanyakumari District at Nagercoil.

3.The Sub Inspector of Police,
Kaliyakkavilai Police Station,
Kanyakumari District.

4.The Officer Incharge,
Sub Jail, Nagercoil,
Kanyakumari District.

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

+1 CC to M/s.C.K.M.APPAJI, Advocate (SR-14042[I] dated 15/11/2024)



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ORDER

IN

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Date :15/11/2024

ED/ /SAR- (15/11/2024) 5P / 7C

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