



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

WEB COPY

Date : 18.11.2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD). No.19951 of 2024

1.Sasikumar,
S/o.Thangaswamy

2.Sundar Singh,
S/o.Muthu Pillai

... Petitioners/
Accused Nos.1 & 2

Vs

The State of Tamil Nadu
rep by the Inspector of Police,
Kaliyakkavilai Police Station,
Kanyakumari District.
Crime No. 348 of 2024..

... Respondent/
Complainant

For Petitioners : Mr.M.R.Sreenivasan,
Advocate.

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

PETITION FOR BAIL Under Sec.483 of BNSS, 2023.



For Bail in Crime No. 348 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners / Accused Nos.1 & 2, who were arrested and remanded to judicial custody on 21.10.2024 for the offence under Sections 335, 340(2), 303(2) and 318(4) of BNS, 2023, in Crime No.348 of 2024, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 09.10.2024 during vehicle check up, a lorry was intercepted and it was found to be carrying blue metals. On verifying the pass, it was found to be a fake pass. Even though the seizure took place on 09.10.2024, the petitioners were arrested only after getting the report from the concerned authority to the effect that the pass that was produced was a fake pass.

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

4. Taking into consideration the facts and circumstances of the case and considering the fact that the entire materials have been seized along with the vehicle and the fake pass has also been seized and the petitioners have suffered



incarceration from 21.10.2024 and there are no previous cases against the petitioners, this Court is inclined to grant bail to the petitioners subject to the following conditions.

5. Accordingly, the petitioners are ordered to be released on bail on their 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, 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 petitioners shall report before the respondent Police daily at 10.30 a.m until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.



[e] 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS, 2023.

sd/-
18/11/2024

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18 / 11 / 2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023

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TO

- 1.The Judicial Magistrate No.I,
Kuzhithurai.
2. The Chief Judicial Magistrate
Kanyakumari District
- 3.The Officer-in-Charge,
District Jail,
Kanyakumari District at Nagercoil.



4.The Inspector of Police,
Kaliyakkavilai Police Station,
Kanyakumari District.

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

+1. CC to M/S. SREENIVASAN. M.R Advocate SR.No.14142

ORDER
IN
CRL OP(MD) No.19951 of 2024
Date :18/11/2024

KB/18.11.2024 5P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023