



CRL OP(MD). No.20023 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/11/2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

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Abdul Vajith

... Petitioner/ Accused No.2

Vs

State of Tamilnadu Rep.By,
The Inspector of Police,
Naducaveri Police Station,
Thanjavur District
(Crime No.490 of 2024).

... Respondent/ Complainant

For Petitioner : M/s.K. M.Karunakaran, Advocate
For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.490 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 09.11.2024 for the offences under Section 303(2) of BNS Act (hereinafter referred to



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as new penal code) r/w Section 21(1) of Mines and Mineral (Development and Regulation) Act, 1957 in Crime No.490 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner had transported $\frac{1}{4}$ unit of river sand in a four wheeler without any valid license.

3. The learned counsel appearing for the petitioner submitted that the petitioner has nothing to do with the alleged offence and hence, he prayed for bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police submitted that there are no previous cases pending against the petitioner. The learned Additional Public Prosecutor further submitted that A1 has been granted anticipatory bail by this Court in CrI.O.P(MD)No.19750 of 2024, dated 15.11.2024.

5. Taking into consideration the facts and circumstances of the case and the fact that there are no previous cases against the petitioner and also considering the fact that A1 has already been granted anticipatory bail by this Court in CrI.O.P (MD)No.19750 of 2024, dated 15.11.2024 and the petitioner has suffered incarceration from 09.11.2024, this Court is inclined to grant bail to the petitioner subject to the following conditions.

6. Accordingly, the criminal original petition is ordered and the petitioner is ordered to be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees



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ten thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Thiruvaiyaru, 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 pay a sum of Rs.2,500/- (Rupees Two Thousand Five Hundred only) to the credit of the DT Siddha Med Officer CCRI PKM (Account No:- 10767823177, IFSC Code:-SBIN0000898 MICR Code:-625002601), SBI Periyakulam, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgement before the learned Judicial Magistrate, Thiruvaiyaru.

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

[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



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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

Section 269 of BNS 2023.

sd/-
19/11/2024

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/ 11 /2024

Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

LR

TO

1. THE JUDICIAL MAGISTRATE, THIRUVAIYARU
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR @ KUMBAKONAM.
3. THE SUPERINTENDENT,
SUB JAIL, THANJAVUR.
4. THE INSPECTOR OF POLICE,
NADUCAVERI POLICE STATION, THANJAVUR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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THE OFFICER INCHARGE,
DT Siddha Med Officer CCRI PERIYAKULAM.

ORDER
IN
CRL OP(MD) No.20023 of 2024
Date :19/11/2024

PSP/ /SAR /20.11.2024/ 5P/ 7C

Madurai Bench of Madras High Court is issuing certified
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