



CRL OP(MD). No.20062 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

CRL OP(MD). No.20062 of 2024

Santhosh

... Petitioner/ Accused 2

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Naducaveri Police Station,
Thanjavur District.
Crime No. 491 of 2024.

... Respondent/ Complainant

For Petitioner Mr.: 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. 491 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

<https://www.mhc.tn.gov.in/judis> The petitioner/A2, who was arrested and remanded to judicial custody



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on 09.11.2024 for the offences under Section 303(2) of BNS Act (hereinafter referred to as new penal code) r/w Section 21(1) of Mines and Mineral (Development and Regulation) Act, 1957 in Crime No.491 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner had transported 3 gunny bags of river sand in a two 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.

5. Taking into consideration the facts and circumstances of the case and also of the fact that there are no previous cases pending against the petitioner 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 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



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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 daily at 05.30 p.m., until further orders;

[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



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himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560];

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

sd/-
19/11/2024

/ TRUE COPY /

20/11/2024
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 AT KUMBAKONAM.
3. THE OFFICER IN CHARGE,
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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COPY TO:

THE DISTRICT SIDDHA MEDICAL OFFICER,
CCRI PKM,
PERIYAKULAM.

ORDER

IN

CRL OP(MD) No.20062 of 2024

Date : 19/11/2024

SA/SA/SAR. /20.11.2024/5P/7C

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