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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.19985 of 2024

1. Dinesh

2. Dhanagopal

... Petitioners/ Accused

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Kallaperambur Police Station,
Thanjavur District.

Crime No. 279/2024.

... Respondent/Complainant

For Petitioner :Mr. C.Senthil Murugan,

For Respondent : Mr.S.Ravi,

Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No. 279 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/ A1 & A2, who were arrested and remanded to judicial custody on 10.11.2024 for the offences under Section 303(2) of BNS Act (hereinafter referred to as new penal code) and Section 21(1) of Mines and Mineral (Development and Regulation) Act, 1957 in Crime No.279 of 2024 on the file of the respondent police, seek bail.



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

3. The learned counsel appearing for the petitioners submitted that the petitioners have 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 three previous cases pending against the first petitioner (A1) and one previous case pending against the second petitioner (A2).

5. Taking into consideration the facts and circumstances of the case and also considering the previous cases pending against the petitioners and the petitioners have suffered incarceration from 10.11.2024, this Court is inclined to grant bail to the petitioners subject to the following conditions.

6. Accordingly, the criminal original petition is ordered and the petitioners are 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.II, Thanjavur*, 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

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



Bank pass Book to ensure their identity;

*[b] the **petitioners** shall pay a sum of Rs.2,500/- (Rupees Two Thousand Five Hundred only) each 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, Pattukottai.*

*[c] the **petitioners** shall report before the respondent police daily at 05.30 p.m., until further orders;*

*[d] the **petitioners** shall not tamper with evidence or witness either during investigation or trial;*

*[e] the **petitioners** 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 **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];*



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

sd/-
19/11/2024

/ TRUE COPY /

19/11/2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

LR

TO

1 THE JUDICIAL MAGISTRATE NO.II
THANJAVUR.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, THANJORE
DISTRICT.

3 THE SUPERINTENDENT,
DISTRICT PRISON, THANJAVUR.

4 THE INSPECTOR OF POLICE,
KALLAPERAMBUR POLICE STATION, THANJAVUR
DISTRICT.

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



Copy to

DT Siddha Med Officer,
CCRI,
Periyakulam,
Theni.

ORDER IN
CRL OP(MD) No.19985 of 2024
Date :19/11/2024

BV (19/11/2024) 5P/ 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.