



CRL OP(MD). No.20907 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 29/11/2024

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH
CRL OP(MD). No.20907 of 2024

Abi @ Muthuvel

... Petitioner/ Accused No.3

Vs

The State of Tamilnadu,
Rep by the Sub Inspector of Police,
Devakottai Taluk Police Station,
Sivagangai District.
(Crime No.251 of 2024.)

... Respondent/Complainant

For Petitioner : Mr.R.Venkatesan, Advocate
for M/s.Right Law Associates, Advocate

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- For Bail in Crime No.251 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner / Accused No.3, who was arrested and remanded to judicial custody on 17.11.2024 for the alleged offences under Sections 303(2) of BNS r/w. Section 21(4) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.251 of 2024 on the file of the respondent police, seek bail.



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2. The case of the prosecution is that the petitioner was found in illegal possession of 1 unit of kanmai sand worth about Rs.10,000/-.

3. Heard the learned counsel on either side and perused the material records of the case.

4. The learned Additional Public Prosecutor appearing for the respondent Police on instructions submitted that there are no previous cases against this petitioner.

5. Taking into consideration the facts and circumstances of the case and considering the fact that already Accused Nos.1 and 2 were granted anticipatory bail by this Court in Crl.O.P.(MD).No.20040 of 2024, by an order dated 22.11.2024 and this petitioner, who is the Driver of the vehicle has suffered incarceration from 17.11.2024, 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, Devakottai 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



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Book to ensure their identity.

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[b] the petitioner shall report before the respondent police as and when required for interrogation.

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

[d] the petitioner 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 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].

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

sd/-
29/11/2024

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

TSG



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To
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1.The Judicial Magistrate,
Devakottai.

2.Do through the Chief Judicial Magistrate,
Sivagangai District.

3.The Sub Inspector of Police,
Devakottai Taluk Police Station,
Sivagangai District.

4.The Officer Incharge,
Sub Jail, Thirupathur,
Sivagangai District.

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

+1 CC to M/s.M/S.RIGHT LAW ASSOCIATES, Advocate (SR-14696[I] dated
29/11/2024)

ORDER
IN

CRL OP(MD) No.20907 of 2024
Date :29/11/2024

ED/ /SAR- (29/11/2024) 4P / 7C

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