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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/12/2024

PRESENT

The HONOURABLE MR. JUSTICE **N.ANAND VENKATESH**

CRL OP(MD). Nos.21588 and 21589 of 2024

Harish

... Petitioner/2nd Accused
in Crl.O.P(MD)No.21588 of 2024

N.Manimaran

... Petitioner/2nd Accused
in Crl.O.P(MD)No.21589 of 2024

Vs

The State of Tamilnadu,
Rep by the Inspector of Police,
Vangal Police Station,
Karur District.
Crime No.395 of 2024.

... Respondent/Complainant
(for both the cases)

For Petitioners : Mr.T.Leninkumar
(for both the cases)

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor
(for both the cases)

PETITIONS FOR BAIL Under Sec.483 of BNSS



COMMON PRAYER :-

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For Bail in Crime No. 395 of 2024 on the file of the respondent police.

COMMON ORDER : The Court made the following order :-

The petitioners/A1 and A2, who were arrested and remanded to judicial custody on 21.11.2024 for the offences under Sections 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.395 of 2024 on the file of the respondent police, seek bail.

2.The accused persons are said to have transported 2 units of river sand in a tipper lorry. There are totally two accused persons in this case and both of them are before this Court.

3.The learned Additional Public Prosecutor appearing for the respondent Police submitted that A1 was the driver of the tipper lorry and the A2 is the owner of the lorry. That apart, there is one previous case pending against A2 and there are no previous cases pending against A1.

4.Heard the learned Counsel appearing on either side.



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5. Taking into consideration the facts and circumstances of the case and considering the fact that the entire river sand along with the vehicle has been seized and the petitioners have suffered incarceration from 21.11.2024, this Court is inclined to grant bail to the petitioners subject to the following conditions.

6. Accordingly, these criminal original petitions are 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, Karur*, 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 pay a sum of **Rs.7,500/- (Rupees Seven Thousand Five Hundred only) each** to the credit of the Madurai Bench of Madras High Court Advocate Clerk's Welfare Association, Madurai-625023 (Account No:- 496039124, IFSC Code:-IDIB000H040), without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgement before the learned Judicial Magistrate No.II, Karur.



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[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/-
09/12/2024

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10/12/2024

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

LR



TO
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- 1 THE JUDICIAL MAGISTRATE NO.II, KARUR.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, KARUR DISTRICT.
- 3 THE OFFICER INCHARGE, SUB JAIL, KARUR.
- 4 THE INSPECTOR OF POLICE,
VANGAL POLICE STATION,
KARUR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:
THE OFFICER INCHARGE,
ADVOCATES CLERKS WELFARE ASSOCIATION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+2 CC to M/s.T.LENIN KUMAR, Advocate (SR-15080, 15079[I] dated 09/12/2024)

ORDER
IN
CRL OP(MD). Nos.21588 and 21589 of 2024
Date :09/12/2024

SS/SAR- /10/12/2024/ 5P/9C

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