



CRL OP(MD). No.22068 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13.12.2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD). No.22068 of 2024

M.Manikandan

... Petitioner/ Accused No.1

Vs

The Inspector of Police,
Bazaar Police Station,
Ramanathapuram District.
(Crime No.349 of 2024)

... Respondent/Complainant

For Petitioner : Mr.K.Dinesh, Advocate

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

PETITION FOR BAIL Under Sec.483 of BNSS,2023.

PRAYER :-

For Bail in Crime No.349 of 2024 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner / Accused, who was arrested and remanded to judicial custody on 27.11.2024 for the alleged offences under Sections 303(2) of BNS Act, 2023 read with Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.349 of 2024, on the file of the respondent police, seeks bail.



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2. The case of the prosecution is that the accused persons have transported 3 units of river sand in a Tata Benz Tipper Lorry without any valid license, and when the police intercepted, all of them attempted to escape, and A1, A4 and A10 alone were arrested and remanded to judicial custody and the other accused persons are absconding. There are totally 10 accused persons in this case, and the petitioner has been arrayed as A1.

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 A1, A4 and A10 were arrested in this case, and A4 and A10 were granted bail before the sessions Court considering the fact that there are no previous cases as against them. However, the petitioner has one previous case against him. He further submitted that the other accused persons are still absconding.

5. Taking into consideration the facts and circumstances of the case, and considering the fact that the entire river sand has been seized along with the vehicle, and considering the fact that the petitioner has suffered incarceration from 27.11.2024, and also considering the fact that A4 and A10 were enlarged on bail by the Court below, this Court is inclined to grant bail to the petitioner subject to the following conditions.



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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 No.I, Ramanathapuram District, 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.22,500/- (Rupees Twenty Two Thousand and Five Hundred only) to the credit of M/s.Tirunelveli Advocates Clerks Association, Indian Overseas Bank, Branch:District Court, Tirunelveli (Account No:- 176601000003648, IFSC Code:-IOBA0001766, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgement before the learned Judicial Magistrate No.I, Ramanathapuram District.

[c] the petitioner shall report before the respondent police on every monday and friday at 10.30 a.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;



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[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 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 Act.

sd/-
13/12/2024

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13/12/2024

Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1 THE JUDICIAL MAGISTRATE NO.I, RAMANATHAPURAM DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3 THE INSPECTOR OF POLICE, BAZAAR POLICE STATION,
RAMANATHAPURAM DISTRICT.

4 THE OFFICER INCHARGE, SUB JAIL, RAMANATHAPURAM.

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



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THE OFFICER INCHARGE, TIRUNELVELI ADVOCATES CLERKS ASSOCIATION,
DISTRICT COURT CAMPUS, TIRUNELVELI.

ORDER

IN

CRL OP(MD) No.22068 of 2024

Date :13/12/2024

RS/IT/SAR-(13.12.2024) 5P 7C

Madurai Bench of Madras High Court is issuing
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