



Crl.O.P.No.19604 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.19604 of 2024

Kanagaraj

...Petitioner

Vs.

State represented by,
The Inspector of Police
Sirkazhi Police Station
Mayiladuthurai District
(Crime No.340 of 2024)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, 2023, praying to enlarge the petitioner on bail in Crime No.340 of 2024 on the file of respondent police.

For Petitioner : Mr.U.Kathiravan

For Respondent : Mr.S.Vinothkumar
Government Advocate (Crl. Side)

ORDER



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The petitioner, who was arrested and remanded to judicial custody on 30.07.2024 for the offence under Sections 303(2) of the Bharatiya Nyaya Sanhita (BNS), 2023, r/w 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.340 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner on 30.07.2024 is alleged to have illegally transported 2 unit of river sands in Ashok Leyland Tipper Lorry bearing registration number TN 45 AE 6300 without any permission of the Government. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution, he has been falsely implicated in this case, and he is a law-abiding citizen. He further submitted that the petitioner is ready and willing to furnish substantial sureties for his due release and to abide by any conditions that may be imposed by this Court, and therefore, he prayed to grant bail to the petitioner.

4. Learned Government Advocate (Criminal Side) appearing for



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the respondent police opposed granting bail to the petitioner by stating that the petitioner was found to have illegally transported 2 units of river sands and submitted that six previous cases similar in nature are pending against the petitioner and that the investigation is still pending.

5. Heard both sides and perused the materials available on record.

6. Considering the submissions made by the learned counsel on either side, the nature of offence, and taking into consideration the quantity of material involved in this case and also considering the period of incarceration undergone by the petitioner and there are six previous cases pending as against the petitioner in all cases bail was granted, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on bail on his 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, Sirkazhi*, and on further conditions that:



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**[a]the petitioner shall report before the
Taragampadi Police Station daily at 10.30
a.m., until further orders;**

[b]the petitioner shall not abscond either during
investigation or trial;

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

[d]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];

[e] if the accused thereafter absconds, a fresh FIR
can be registered under Section 229A of the
IPC.

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To

1.The Judicial Magistrate
Sirkazhi

2.The Sub Jail, Sirkazhi

3.The Inspector of Police
Sirkazhi Police Station
Mayiladuthurai District

4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.

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