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CRL O.P. No.19539 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :23.08.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.19539 of 2024

1.Senthilkumar

2.Karthik

3.Nagarajan @ Nagaraj

... Petitioners / Accused 1, 4 & 6

Vs

State rep. by:-

The Inspector of Police,
Vaitheeswarankovil Police Station,
Mayiladuthurai District.

... Respondent

[Cr. No.224 of 2024]

For Petitioners : Mr.N.Chinnaraj

For Respondent : Mr.S.Vinoth Kumar
Government Advocate
[Criminal side]

PETITION FOR BAIL Under Sec.483 of B.N.S.S.

PRAYER: - The Criminal Original Petition is filed under Section 483 of The Bharatiya Nagarik Suraksha Sanhita, 2023, praying to enlarge the Petitioners on bail in Crime No. 224 of 2024 on the respondent police.



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ORDER

The Petitioners, who were arrested and remanded to judicial custody on 24.07.2024 for the offences punishable under Sections 303(2) of BNSS r/w 21(1) of Mines and Minerals (Development & Regulation) Act, in Crime No.224 of 2024, on the file of the respondent, seek bail.

2.The case of the prosecution is that the petitioners were found in illegal transportation of 4 units of Savudu sand. Hence, the case.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that there are no previous cases pending against the petitioners 2 and 3 and the petitioners are ready to abide by any condition imposed by this Court. Hence, he prays for grant of bail to the petitioners.

4.The learned Government Advocate (Crl. Side) for the respondent would submit that the petitioners have illegally transported 4 units of Savudu sand in a Tractor bearing Regn.No.TN-51-K-497 and in a Tipper



Lorry bearing Regn.No.TN-82-M-6239. He would further submit that there are no previous cases against the petitioners 2 and 3 and the 1st petitioner has one previous case against him. However, he opposed to grant bail to the petitioners.

5. Heard both side learned counsel and perused the materials available on record.

6. Considering the nature of offence and the quantity of material involved in this case and that the number of days of incarceration undergone by the petitioner and taking into consideration the fact that the 2nd and 3rd petitioners have no previous cases and that though the 1st petitioner has some previous cases, he was granted bail in all the cases, this Court is inclined to grant bail to the petitioners subject to the following conditions:

[a] Accordingly, the Petitioners are ordered to be released on bail on condition to execute 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 **Judicial Magistrate, Sirkali**, and on further conditions that:

[b] the Petitioners shall report before the respondent police everyday at 10.30 a.m., for a period of 30 days and thereafter, as and when required for interrogation.



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[c] the Petitioners shall not commit any offences of similar nature.

[d] the Petitioners shall not abscond either during investigation or trial.

[e] the Petitioners shall not tamper with evidence or witness either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Judicial 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 B.N.S.

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To

- 1.The Judicial Magistrate, Sirkali.
- 2.The Inspector of Police,
Vaitheeswarankovil Police Station,
Mayiladuthurai District.
- 3.Sub-Jail, Sirkali
- 4.The Public Prosecutor, High Court, Madras.

P.DHANABAL,J
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