



Crl.O.P.No.20394 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.20394 of 2024

Sivanantham

...Petitioner

Vs.

State represented by,
The Inspector of Police
Thirukannapuram Police Station
Nagapattinam District
(Crime No.112 of 2024)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, 2023, praying to enlarge the petitioner on bail in Crime No.112 of 2024 on the file of respondent police.

For Petitioner : Mr.J.Jawahar

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



CrI.O.P.No.20394 of 2024

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 04.08.2024 for the offence under Sections 303(2) and 326(a) of the Bharatiya Nyaya Sanhita (BNS), 2023, r/w 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.112 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner is alleged to have transported 20 gunny bags in 3 vehicles along with his fellow members. 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 Hon'ble Court, and therefore, he prayed to grant bail to the petitioner.



Crl.O.P.No.20394 of 2024

WEB COPY

4. Learned Government Advocate (Criminal Side) appearing for the respondent police opposed granting bail to the petitioner by stating that the petitioner was found to have illegal possession of 20 gunny bags of river sand and submitted that five previous case similar in nature is 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, 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 No.II, Nagapattinam*, and on further conditions that:



CrI.O.P.No.20394 of 2024

[a]the petitioner shall report before the respondent police, on every Saturday at 10.30 a.m. for a period of four weeks and thereafter, as and when required.

[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.

22.08.2024

dhk



CrI.O.P.No.20394 of 2024

WEB COPY

To

- 1.The Judicial Magistrate No.II,
Nagapattinam
- 2.The District Jail, Nagapattinam
- 3.The Inspector of Police
Thirukannapuram Police Station
Nagapattinam District
- 4.The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.20394 of 2024

P.DHANABAL, J.

dhk

Crl.O.P.No.20394 of 2024

22.08.2024