



CRL O.P. No.21187 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.09.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.21187 of 2024

1.Lokesh

2.Ravi

... Petitioners / Accused 1 & 2

Vs

State rep. by
The Inspector of Police,
Pallipattu Police Station,
Tiruvallur District.

(Crime No.450 of 2024)

... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, (BNSS) 2023, praying to enlarge the Petitioners on bail in Crime No.450 of 2024, on the file of the respondent.

For Petitioners : Mr.K.M.Subheramaniam

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



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 09.08.2024 for the offences punishable under Sections 303(2) and 326 of BNS r/w 21(1) of MMDR Act, 1957, in Crime No.450 of 2024, on the file of the respondent, seek bail.

2.The case of the prosecution is that on 09.08.2024 at about 5.35 p.m., while the revenue officials were in routine vehicle checkup, the petitioners were found in illegal transportation of 56 units of sand from the Andhra Pradesh by two Tauruses. 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 the petitioners are only drivers of the Tauruses and the sand was transported for the purposes of laying National Highway works. He would also submit that there are no previous cases against the petitioners. Hence, he prays for grant of bail to the petitioners.



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4. The learned Government Advocate (Crl. Side) for the respondent would submit that the petitioners were found in illegal transportation of 56 units of sand from Andhra Pradesh in two Tauruses. He would further submit that there are no previous cases against the petitioners. However, he vehemently opposed to grant bail to the petitioners.

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

6. Considering the representation made by both side learned counsels and considering that these petitioners are drivers engaged in National Highways work and that the owners of the vehicles were already granted anticipatory bail by this Court and also taking into consideration the number of days of incarceration undergone by the petitioners and that there is no previous cases against the petitioners, 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 separate bond for a sum of Rs.10,000/- (Rupees



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Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the **Principal District and Sessions Judge, Tiruvallur**, and on further conditions that;

[b] the Petitioners shall report before the respondent police on every Saturday at 10.30 a.m., until further orders.

[c] the Petitioners shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[d] the Petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

[e] the Petitioners shall not abscond 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]; and

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

03.09.2024

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To
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- 1.The Principal District and Sessions Judge, Tiruvallur.
- 2.The Inspector of Police,
Pallipattu Police Station,
Tiruvallur District.
- 3.Sub Jail, Tiruthani.
- 4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J.
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