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CRL O.P. No.22017 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.09.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.22017 of 2024

Lokesh

... Petitioner / Accused - 1

Vs

State rep. by
The Sub Inspector of Police,
Gudiyatham Taluk Police Station,
Vellore District.

(Crime No.461 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 petitioner on bail in Crime No.461 of 2024, on the file of the respondent.

For Petitioner : Mr.D.Thirumoorthy

For Respondent : Mrs.G.V.Kasthuri
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 19.08.2024 for the offences punishable under Sections 303(2) and 326 of BNS, 2023, r/w Section 21(1) of M & M (D & R) Act, 1957, in Crime No.461 of 2024, on the file of the respondent, seeks bail.

2.The case of the prosecution is that the petitioner is alleged to have illegally transported 1 unit of river sand in a Swaraj Mazda vehicle bearing Regn.No.TN-72-CA-6528 without any valid permit. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has nothing to do with the alleged offence. He would further submit that the petitioner has no previous case against him and the petitioner has been in custody from 19.08.2024. He would also submit that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.



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4. The learned Additional Public Prosecutor for the respondent would submit that the petitioner was found in illegal possession of 1 unit of river sand in a vehicle bearing Regn.No.TN-72-CA-6528 without valid license. She would further submit that there is no previous case against the petitioner and the material and the vehicle have been seized. However, she vehemently opposed to grant bail to the petitioner.

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

6. Considering the nature of offences and the quantity of material involved in this case and considering that there is no previous case pending against the petitioner and that the number of days of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

[a] Accordingly, the petitioner is 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, Gudiyatham, Vellore District**, and on further conditions that;



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[b] 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 for interrogation.

[c] the petitioner 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 petitioner 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 petitioner 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 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]; and

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

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To

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- 1.The Judicial Magistrate, Gudiyatham, Vellore District.
- 2.The Sub Inspector of Police,
Gudiyatham Taluk Police Station,
Vellore District.
- 3.Sub Jail, Gudiyatham.
- 4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J.
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