



WEB COPY



Crl.O.P.No.22871 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2024

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

Crl.O.P.No.22871 of 2024

Vignesh

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Jolarpet Police Station,
Thirupathur District.
(Crime No. 545 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioner on bail, in Crime No.545 of 2024 on the file
of the respondent Police.

For Petitioner : Mr.R.Parthiban

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

ORDER

The petitioner/A1, who was arrested and remanded to judicial
custody on 23.08.2024, for the alleged offence punishable under Sections
303(2), 326(a) of BNS r/w 21(5) of Mines and Minerals (Development &



Crl.O.P.No.22871 of 2024

Regulation) Act, 1957 in Crime No.545 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused, was found in illegal transportation of 2 units of river sand in Tata Tipper Lorry without having any valid permission. Hence the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He has not committed any offence as alleged in the FIR. He would further submit that the petitioner was arrested and is in judicial custody for more than 25 days and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner along with other accused, was found in illegal transportation of 2 units of river sand in Tata Tipper Lorry without having any valid permission. He further submitted that the



Crl.O.P.No.22871 of 2024

petitioner has no previous case, pending against him. Hence, he opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the nature of offence, quantity involved and the period of incarceration undergone by the petitioner and the petitioner has no previous case pending against him, and also considering all others factors, I am inclined to grant bail to the petitioner, subject to certain 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 Judicial Magistrate Court No.I, Tirupattur, and on further conditions that:-

[a] the petitioner shall report before the respondent police, everyday at 10.30 a.m., for a period of one month and thereafter as and when required for interrogation.

[b] 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



CrI.O.P.No.22871 of 2024

he is suspected;

[c] 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;

[d] the Petitioner shall not abscond either during investigation or trial;

[e] 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

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

20.09.2024

drl



CrI.O.P.No.22871 of 2024

To
WEB COPY

- 1.The Judicial Magistrate Court No.I,
Tirupattur.
- 2.The Inspector of Police,
Jolarpet Police Station,
Thirupathur District.
- 3.The Superintendent,
Sub Jail, Tirupattur.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.



WEB COPY



Crl.O.P.No.22871 of 2024

drl

Crl.O.P.No.22871 of 2024

20.09.2024