



CRL O.P. No.24909 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.10.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.24909 of 2024

Dinakaran

... Petitioner / Accused

Vs

State rep. by
The Inspector of Police,
Kandili Police Station,
Kandili, Thirupattur District.

(Crime No.505 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.505 of 2024 on the file of the respondent police.

For Petitioner : Mr.G.Vinodhkumar

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 18.09.2024, for the offences punishable under Sections 305(e), 326(a)



of BNS, 2023 and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.505 of 2024, on the file of the respondent, seeks bail.

2.The case of the prosecution is that on 18.09.2024, when the respondent and their officials conducted raid to prevent illegal sand mining near Lackynayakkanpatti Village, the petitioner was found in illegal possession of river sand for artificial sand production in his relative's land. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner is no way connected with the alleged offence and the petitioner was only attempted to take sand. He would further submit that the petitioner has been in custody from 18.09.2024. He would further 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.



4.The learned Government Advocate (Crl. Side) would submit that the petitioner was found in illegal possession of river sand in his relative's land. He would further submit that the petitioner has seven previous cases against him. Hence, he 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 charged against the petitioner and the number of days of incarceration undergone by the petitioner and that though the petitioner is having some previous cases, he was granted bail in all the cases, 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 No.II, Thirupattur**, and on further conditions that;

[b] the Petitioner shall report before the respondent police daily at 10.30 a.m., for a period of 30 days 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.

15.10.2024

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To

1.The Judicial Magistrate No.II, Thirupattur.

2.Central Prison, Vellore.

3.The Inspector of Police,
Kandili Police Station,
Kandili, Thirupattur District.

4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J.
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