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Crl. O.P. No.24847 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.10.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

Crl. O.P. No.24847 of 2024

B.Vignesh

... Petitioner / Accused No.2

Vs

State Rep. by
The Inspector of Police,
Thirupathur Taluk Police Station,
Thirupathur District.

..... Respondent / Complainant

PRAYER: - The Criminal Original Petition is filed under Section 483 of B.N.S.S. praying to grant bail to the petitioner / Accused in Cr. No.608 of 2024 on the file of the respondent police.

For Petitioner : Mr.E.Kannadasan

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



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ORDER

The petitioner / Accused No.4, who was arrested and remanded to judicial custody on 18.09.2024 for the offences punishable under Sections 303(2), 326(a) of B.N.S.S. 2023 read with Section 21(1) of Mines and Minerals (Development & Regulation) Act 1957, seeks bail.

2. The case of the prosecution is that, on 18.09.2024 at about 10.00 hrs, the respondent police and his subordinates were in routine patrol duty and they were proceeded towards Matrampalli Village near Appavu Vattam, at that time, two Tipper Lorries bearing Registration No.TN-73-0294 and TN-83-S-3396 intercepted. On seeing the police party, the drivers of the lorry were tried to escape from there, however the police have managed and caught them and made a search in the vehicle and found each one unit of Normabu Sand. On enquiry, it was found that the they illegally transported the Norambu Sand from the Pemani River without having valid bills and permit. Hence, the respondent police arrested the petitioner and another person and seized the lorries and registered a case against them. Hence, this petition.



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3. The learned counsel for the petitioner would contend that the respondent police have registered a false case for the alleged offences under Sections 303(2), 326(a) of B.N.S.S. 2023 read with Section 21(1) of Mines and Minerals (Development & Regulation) Act 1957. He would further contend that, the petitioner was arrested and remanded to judicial custody on 18.09.2024 and that, in fact, the petitioner has not committed any offences and he has been falsely implicated in this case. Therefore, he prays to grant bail to the petitioner.

4. The Learned Government Advocate (Criminal side) appearing for the respondent police would contend that, totally, there are two accused in this case and the petitioner, without having valid license, has illegally transported one unit of Norambu Sand in his Lorry. Hence he objected for the grant of anticipatory bail. Further, he submitted that, no previous case is pending against the petitioner.

5. Heard both sides and perused the materials available on record.



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6. Considering the arguments putforth on either side, considering the nature of offences and quantity of materials involved in this case and that no previous case is pending against the petitioner, I am inclined to grant anticipatory 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, Thirupathur** and on further conditions that:

[b] the petitioner shall report before the respondent police on every Saturday at 10.00 A.M. for a period of four weeks.

[c] the petitioner shall not commit any offence 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 abscond either during investigation or trial;



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[e] 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 them from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[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].

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

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index: Yes/No
Internet: Yes/No
Speaking/Non Speaking order
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P.DHANABAL,J

raja

To

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

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