



Crl.O.P.No.25778 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2024

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THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.25778 of 2024

1.Srinivasan
2.Elumalai

...Petitioners

Vs.

The State rep by
The Inspector of Police
Thirupathur Taluk Police Station,
Thirupathur District.
(Crime No.632 of 2024)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S. Act, 2023, praying to enlarge the petitioners on bail in Crime No.632 of 2024 on the file of respondent police.

For Petitioners : Mr.E.Kannadasan

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

ORDER



Crl.O.P.No.25778 of 2024

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The petitioners, who were arrested and remanded to judicial custody on 01.10.2024 for the offences under Sections 303(2), 326(a) of BNS r/w Section 21(1) of Mines and Minerals (Development & Regulation) Act, in Crime No.632 of 2024 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners are alleged to have transported 6 units of norambu sand illegally without valid license from the Government. Hence, the complaint.

3. Learned counsel for the petitioners submitted that the petitioners are innocent persons, they have not committed any offence as alleged by the prosecution, and they have been falsely implicated in this case. He further submitted that the petitioners have been in custody since 01.10.2024; that they are law-abiding citizens; that they are ready to furnish substantial sureties for their due release on bail; and therefore, he prays for the grant of bail to the petitioners.

4. Learned Government Advocate (Crl.Side) for the respondent



CrI.O.P.No.25778 of 2024

opposed for granting bail to the petitioners by stating that the petitioners have transported 6 units of norambu sand by using tipper lorries. He further submitted that there is no previous case pending against the petitioners.

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

6.Considering the representation made on both sides and the fact that the quantity of material seized and there is no previous case pending against the petitioners and also taking into consideration the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions:

7. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** each with two sureties, each for a like sum to the satisfaction of the **Judicial Magistrate No.II, Tirupattur** and on further conditions that:

[a] the petitioners shall report before the respondent



Police, daily at 10.30 a.m., for a period of 30 days;

[b] the petitioners shall attend in accordance with the conditions of the bond;

[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 or tamper with the evidence;

[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.



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CrI.O.P.No.25778 of 2024

19.10.2024

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To

1.The Judicial Magistrate No.II, Tirupattur.

2.The Sub Jail, Tirupattur.

3.The Inspector of Police
Thirupathur Taluk Police Station,
Thirupathur District.

4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.

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CrI.O.P.No.25778 of 2024

CrI.O.P.No.25778 of 2024

19.10.2024