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CrI.O.P.No.25963 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

CrI.O.P.No.25963 of 2024

Sudhakaran

...Petitioner

Vs.

The State rep by
The Inspector of Police
Alandurai Police Station,
Coimbatore
(Crime No.153 of 2024)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S. Act, 2023, praying to enlarge the petitioner on bail in Crime No.153 of 2024 on the file of respondent police.

For Petitioner : Mr.R. Prabakar
For Respondent : Mr.S.Vinothkumar
Government Advocate (CrI. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 22.09.2024 for the offences under Section 303(2) of BNS Act 2023 and Section 21(1) of Mines and Minerals (Development & Regulation) Act in Crime No.153 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 said to have dug the sand from the land belonging to third person and attempted to sell the same. Hence the complaint.

3. Learned counsel for the petitioner submitted that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution, and he has been falsely implicated in this case. He would further submit that the petitioner is arrested and is in judicial custody from 22.09.2024 and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.



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4. Learned Government Advocate (Crl.Side) opposes the grant of bail to the petitioner by stating that the the petitioner along with other accused said to have dug the sand from the land belonging to third person and attempted to sell the same. He further submitted that there is no previous case pending against the petitioner.

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

6. Considering the submission of the learned counsel on either side, nature of offence, considering the period of incarceration undergone by the petitioner, there is no previous case pending against the petitioner, 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



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learned Judicial Magistrate No.5, Coimbatore and on further conditions that:

[a] the petitioner shall report before the respondent police everyday at 10.30 a.m for a period of 30 days and thereafter as and when required for interrogation.

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

[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 or tamper with the evidence;

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



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[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.

21.10.2024

smn

To

- 1.The Judicial Magistrate No.5, Coimbatore
- 2.The Superintendent, Central Prison,Coimbatore
- 3.The Inspector of Police
Alandurai Police Station,
Coimbatore
- 4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

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