



Crl.O.P.No.26984 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2024

CORAM

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

Crl.O.P.No.26984 of 2024

Suman
S/o.Sampath

... Petitioner

Vs.

State represented by,
The Inspector of Police
Gudiyatham Town Police Station,
Gudiyatham, Vellore District.
(Crime No.622 of 2024)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioner on bail pending investigation in Crime
No.622 of 2024 on the file of the Inspector of Police, Gudiyatham Town
Police Station, Gudiyatham, Vellore District.

For Petitioner : Mr.G.Vinodhkumar

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



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ORDER

The Petitioner, who was arrested and remanded to judicial custody on 30.09.2024, for the alleged offences punishable under Section 303(2), 326(a) of BNS, 2023 r/w 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.622 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 30.09.2024, when the respondent police were on their regular patrol duty, at that time, the petitioner along with other accused, was found illegally transporting river sand in 5 cement bags, each weighing 25 Kgs. 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 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.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that on the date of the alleged occurrence, when the respondent police were on their regular patrol duty, at that time, the petitioner along with other accused, was found illegally transporting river sand in 5 cement bags, each weighing 25 Kgs. He further submitted that there is no previous case against the petitioner. However, he opposed for the grant of 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 and considering the period of incarceration undergone by the petitioner from 30.09.2024, and the petitioner has no previous case, pending against him, and also considering all other 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)



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with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Gudiyatham, and on further conditions that:-

[a] 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.

[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 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



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

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To

- 1.The Judicial Magistrate,
Gudiyatham
- 2.The Inspector of Police
Gudiyatham Town Police Station,
Gudiyatham, Vellore District.
- 3.The Superintendent,
Central Prison, Vellore
- 4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

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