



Crl.O.P.No.27206 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.27206 of 2024

Sakthivel

...Petitioner

Vs.

The State rep by
The Inspector of Police
Thirukkannapuram Police Station,
Nagapattinam District.
(Crime No.159 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.159 of 2024 on the file of respondent police.

For Petitioners : Mr.M.Mohamed Azharudeen

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 19.10.2024 for the offences under Sections 303(2), 326(a) of BNS Act, 2023 r/w Section 21(1) of Mines and Minerals (Development & Regulation) Act, in Crime No.159 of 2024 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioner said to have transported river sand illegally without valid license from the Government. Hence, the complaint.

3.3. 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 19.10.2024 and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.

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



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opposed for granting bail to the petitioner by stating that the petitioner said to have transported river sand illegally without valid license from the Government.. He further submitted that there are more than 20 previous cases 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 even though the petitioner has 20 previous cases, most of the cases were disposed of and bail was granted to the petitioner in pending cases, and also taking into consideration the period of incarceration undergone by the petitioner and all other factors, this Court is inclined to grant bail to the petitioner with 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 learned Judicial Magistrate No.II, Nagapattinam and on further



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conditions that:

[a] the petitioner shall report before the Sirkali police Station everyday at 10.30 a.m until further orders.

[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;

[f] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take



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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.

29.10.2024

smn

To

1.The Judicial Magistrate No.II, Nagapattinam

2.The District Prison, Nagapattinam

3.The Inspector of Police
Thirukkannapuram Police Station,
Nagapattinam District.

4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

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