



CrI.O.P.No.27600 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2024

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

CrI.O.P.No.27600 of 2024

1. Prakasam
2. Suresh
3. Saravanan
4. Prakasam

... Petitioners

Vs.

State Rep. by,
Sub Inspector of Police,
Kandili Police Station,
Tirupathur District.
(Crime No.539 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS,

pleased to enlarge the petitioners on bail, in connection with the Crime
No.539 of 2024, pending investigation on the file of the respondent Police.

For Petitioners : Mr.R.Parthiban

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (CrI.Side)

ORDER

The petitioners, who were arrested and remanded to judicial custody on 13.10.2024 for the offences punishable under Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957 and 305(e),



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326(a) of BNS, in Crime No.539 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioners were illegally transported 6 units of Norambu Sand without valid licence. Hence the case.

3. The learned counsel appearing for the petitioners submits that the petitioners are innocent persons and they have not committed any such offence as alleged by the prosecution. However, on instructions, the learned counsel further submits that the petitioners are ready and willing to abide by any conditions that may be imposed by this Court and he prays for grant of bail to the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioners had illegally transported 6 units of Norambu Sand without valid license and he further submitted that there is no previous case pending against the petitioner. However, he opposed for grant of bail to the petitioners.



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5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

7. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail on each of them 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, Tirupathur** and on further conditions that:

[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners are directed to report before the respondent police everyday at 10.30am., for a period of one



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month and thereafter 1st and 3rd Monday of every month at 10.30 a.m., until further order;

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned 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];

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 269 of BNS.

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A.D.JAGADISH CHANDIRA.,J.

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To

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

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