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CrI.O.P.No.28113 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2024

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THE HON'BLE MR. JUSTICE SUNDER MOHAN

CrI.O.P.No.28113 of 2024

Nagaraj

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Karipatty Police Station,
Salem District.
(Crime No.798 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS Act, pleaded to enlarge the petitioner on bail, in connection with the Crime No.798 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.G.Chandrasekaran

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

ORDER

This Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 22.10.2024, seeking bail in Crime No.798 of 2024 registered for the offence under Section 303(2) of BNS and Section 21(1) of the Mines and Minerals (Development & Regulation) Act.



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2. The case of the prosecution is that the petitioner/accused has committed theft of 250 broken black stones and illegally transported them in a tractor bearing registration No. TN 25 J 2975 without any permission. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the allegation against the petitioner is false and the petitioner is in custody from 22.10.2024. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, while opposing for grant of bail to the petitioner, submitted that though there is no previous case against the petitioner/accused, the respondent Police have sufficient evidence to establish the offence under Section 303(2) of BNS r/w Section 21(1) of the Mines and Minerals (Development & Regulation) Act, against the petitioner.

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



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6. Considering the nature of allegation and the period of incarceration undergone by the petitioner, this Court finds that further custody of the petitioner is not required for the investigation. Therefore, 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 **District Munsif cum Judicial Magistrate, Vazhapadi**, and on further conditions that:

[a] 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 petitioner shall report before the respondent Police, everyday at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;



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

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

11.11.2024

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SUNDER MOHAN.,J.

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To

1. The District Munsif cum Judicial Magistrate ,
Vazhapadi.
2. The Inspector of Police,
Karipatty Police Station,
Salem District.
3. The Sub Jail,
Attur (TK),
Salem District.
4. The Public Prosecutor,
High Court of Madras.

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