



Crl.O.P.No.28380 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2024

CORAM

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

Crl.O.P.No.28380 of 2024

Prasath

... Petitioner

Vs.

The State represented by,  
The Inspector of Police,  
Nagapattinam Town Police Station,  
Nagapattinam District.  
(Crime No.219 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.219 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.T.Ananthasekar

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

### **ORDER**

This Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 11.10.2024, seeking bail in Crime No.219 of 2024 registered for the offence under Sections 303(2), 326(A) of BNS Act r/w. 21(A) of MMDR Act, 1957.



Crl.O.P.No.28380 of 2024

2. The case of the prosecution is that when the respondent and team were on their routine patrol duty, they found that the petitioner along with other accused had illegally transported 3 units of river sand in a lorry without any permission. Hence the case.

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 also submitted that the petitioner is in custody from 11.10.2024, 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 the petitioner/A1 along with other accused had illegally transported 3 units of river sand in a lorry. He further submitted that petitioner is the driver of the lorry and there is no previous case pending against him.

5. At this juncture, the learned counsel for the petitioner submitted that the petitioner, without prejudice to his defense and contention, is ready



Crl.O.P.No.28380 of 2024

and willing to deposit an amount of Rs.15,000/- as non-refundable deposit to any welfare scheme of the Government or any organization. Hence, he prayed for grant of bail to the petitioner.

6. 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.

7. On considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of Rs.15,000/- as non refundable deposit to "District Legal Services Authority, Nagapattinam", without prejudice to his rights and contentions before the trial Court.

8. Merely because the petitioner deposits the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.



Crl.O.P.No.28380 of 2024

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9. Taking into consideration the above 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 petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

10. Accordingly, the petitioner is ordered to be released on bail on condition to make a non-refundable deposit of **Rs.15,000/- (Rupees Fifteen Thousand only)** to the credit of " **District Legal Services Authority, Nagapattinam**", without prejudice to his rights and contentions before the trial Court and on such deposit and production of proof, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate Court, No.1, Nagapattinam** 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 06.30 p.m., until further



Crl.O.P.No.28380 of 2024

**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;

[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.

**13.11.2024**

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Crl.O.P.No.28380 of 2024

**A.D.JAGADISH CHANDIRA.,J.**

dsn

To

1. The Judicial Magistrate Court, No.1,  
Nagapattinam.
2. The Inspector of Police,  
Nagapattinam Town Police Station,  
Nagapattinam District.
3. The Nagapattinam District Jail.
4. The Public Prosecutor,  
High Court of Madras.

**Crl.O.P.No.28380 of 2024**

**13.11.2024**