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Crl.O.P.No.28990 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2024

CORAM

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

Crl.O.P.No.28990 of 2024

1.Yesaia
2. Parthiban

... Petitioners

Vs.

The State Represented by its
The Inspector of Police,
Melpadi Police Station,
Vellore District.
(Crime No.198 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.198 of 2024, pending investigation on the file of the respondent Police.

For Petitioners : Mr.K.S.Arumugam

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



Crl.O.P.No.28990 of 2024

WEB COPY

ORDER

This Criminal Original Petition has been filed by the petitioners/A2 & A3, who were arrested and remanded to judicial custody on 30.09.2024, seeking bail in Crime No.198 of 2024 registered for the offence under Sections 303(2), 326(a) of Bharathiya Nyaya Sanhita, 2023.`

2. The case of the prosecution is that the petitioners were illegally transported 10 units of river sand. Hence, the case.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He also submitted that the petitioners are in custody from 30.09.2024 and they are also ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police while opposing for grant of bail to the petitioners would submit that petitioners were illegally transporting 10 units of river sand. He would further submit that the petitioners are driver and cleaner of the vehicle.



Crl.O.P.No.28990 of 2024

WEB COPY

5. At this juncture, the learned counsel for the petitioners submitted that the petitioners, without prejudice to their defense and contention, are ready and willing to deposit an amount of Rs.1,000/- each as non-refundable deposit to any welfare scheme of the Government or any other organization. Hence, he prayed for grant of bail to the petitioners.

6. Heard the learned counsel appearing for the petitioners, 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 petitioners, the petitioners are directed to deposit a sum of **Rs.1,000/- (Rupees One Thousand Only) each** as non refundable deposit to "The District Legal Services Authority, Vellore", without prejudice to their rights and contentions before the trial Court.

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



Crl.O.P.No.28990 of 2024

WEB COPY

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 petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

10. Accordingly, the petitioners are ordered to be released on bail on condition to make a non-refundable deposit of **Rs.1,000/- (Rupees One Thousand Only) each**, to the credit of “**District Legal Services Authority, Vellore**”, without prejudice to their rights and contentions before the trial Court and on such deposit and production of proof, the petitioners are ordered to be released on bail on their executing a separate 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, Katpadi**, 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 petitioners shall report before the respondent Police, everyday at 10.30 a.m., for a period of



Crl.O.P.No.28990 of 2024

WEB COPY

one week and thereafter, as and when required for interrogation;

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

[d] the petitioners 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 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 absconds, a fresh FIR can be registered under Section 269 of B.N.S.

20.11.2024

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Crl.O.P.No.28990 of 2024

A.D.JAGADISH CHANDIRA.,J.

dsn

To

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

Crl.O.P.No.28990 of 2024

20.11.2024