



Crl.O.P.No.30033 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **02.12.2024**

CORAM

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

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1. Durai

2. Ponmudi

3. Moorthi

... Petitioners

Vs.

The State Represented by,
The Inspector of Police,
Hogenakkal Police Station,
Dharmapuri District.
(Crime No. 95 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail, in connection with **Crime No.95 of 2024**, pending investigation on the file of the respondent Police.

For Petitioners : Mr.J.Pradeep

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

ORDER

Petition seeking bail in respect of **Crime No.95 of 2024** registered for the offences punishable under Sections 303(2) of BNS, 2023 r/w. Section



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21(1)(4) of Mines and Minerals (Development & Regulation) Act, 1975 is on board for consideration.

2. The incarceration of the petitioners being from **11.11.2024** pleading innocence on the part of the petitioners and false implication in the case, the learned counsel for the petitioners seek indulgence of this Court. He also submits that the petitioners, without prejudice to the defence and contention, are ready and willing to deposit substantial amount to any welfare scheme of the Government or any other organization. He further submits that the petitioners are ready to abide by any stringent conditions that may be imposed by this court.

3. The case of the prosecution, as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, would submit that the petitioners were found in illegal possession of Norambu sand without any valid documents viz., A-1 - 1 ½ units, A-2 - ½ units & A-3 - 1 ½ units.

4. Considering the voluntary submission made by the learned counsel for the petitioners, the petitioner/A-1 is directed to deposit a sum of **Rs.3,000/-**



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(Rupees Three Thousand only), the petitioner/A-2 is directed to deposit a sum of Rs.1,000/- **(Rupees One Thousand only)** and the petitioner/ A-3 is directed to deposit a sum of Rs.3,000/- **(Rupees Three Thousand only)** to the credit of the **"District Legal Services Authority, Dharmapuri"** without prejudice to the right of defence before the Trial Court and making it clear that it would not amount to admission of guilt.

5. Further, having heard the learned counsel for the petitioners and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record, this court is inclined to grant bail to the petitioners with certain conditions and accordingly, the petitioners are ordered to be released on bail on their executing separate bond each 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, Pennagaram**, 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



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respondent Police, everyday at 10.30 a.m., until further orders;

[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 abscond, a fresh FIR can be registered under Section 269 of B.N.S.

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To

1. The Magistrate Court, Pennagaram.
2. The Inspector of Police,
Hogenakkal Police Station,
Dharmapuri District.
3. The Superintendent,
Sub-Jail, Dharmapuri.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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