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Crl.O.P.No.30760 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2024

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.30760 of 2024

A.Thiyagaleesan

... Petitioner/A2

Vs.

State through
The Inspector of Police
Thiruvannainallur Police Station
Villupuram District.
(Crime No.939/2024)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in Crime
No.939 of 2024 pending investigation on the file of the respondent Police.

For Petitioner : Mr.R.Ganesh Kumar
For Respondent : Dr.C.E.Pratap
Government Advocate (Crl.Side)

ORDER

The petitioner seeks bail in Crime No.939 of 2024, registered by the
respondent police for the offences punishable under Sections Sections 303(2) and



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326(a) of BNS, 2023. He had been arrested and remanded to judicial custody on 18.11.2024.

2.The allegation against the petitioner is that he had transported $\frac{1}{4}$ unit of river sand in four bullock Carts without any license.

3.The learned counsel for petitioner would submit that there is no previous case pending against the petitioner and that the co-accused have been granted bail by this Court in Crl.O.P.Nos.30877, 31118 and 30773 of 2024 on 11.12.2024, 13.12.2024 and 10.12.2024, respectively. He would further submit that the petitioner, without prejudice to the defence and contention, is ready and willing to deposit a sum of **Rs.2,000/-** to any welfare scheme of the Government or any other organization. He also submits that the petitioner is ready to abide by any stringent condition that may be imposed by this court.

4.The learned Government Advocate (Crl. Side) confirms the fact that the co-accused has been released on bail.



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5.This Court, while granting bail to the co-accused had passed the following order:

*“2.The incarceration of the petitioner being from 18.11.2024 pleading innocence on the part of the petitioner and false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. He also submits that the co-accused was granted bail by this Court in Crl.OP.No.30877 of 2024 on 11.12.2024. He also submits that the petitioner, without prejudice to the defence and contention, is ready and willing to deposit a sum of **Rs.2,000/-** to any welfare scheme of the Government or any other organization. He also submits that the petitioner is ready to abide by any stringent condition that may be imposed by this court. He also submits that the name of the petitioner has been inadvertently mentioned as N.Ganavel instead of “N.Gnanavel” and prays for amendment of the same.*

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, is that the petitioner, along with other accused is found to be illegally transported $\frac{1}{4}$ unit of river sand in a bullock cart.

*4.Considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of **Rs.2,000/- (Rupees two Thousand only)** to the credit of the "**District Legal Services Authority, Villupuram District.**" without prejudice to the right of defence before the Trial Court and making it clear that it would not amount to admission of guilt.”*



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

7. In view of the above, the petitioner is directed to deposit a sum of **Rs.2,000/- (Rupees two Thousand only)** to the credit of the "**District Legal Services Authority, Villupuram District.**" without prejudice to the right of defence before the Trial Court and making it clear that it would not amount to admission of guilt.

8. Considering the period of incarceration undergone by the petitioner and that the co-accused has been released on bail, this court is inclined to grant bail to the petitioner with certain conditions and accordingly, 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, Thiruvennainallur, Villupuram District and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may



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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 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 of B.N.S.

16.12.2024

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Note: Issue order copy on 16.12.2024.



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SUNDER MOHAN, J.

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To

- 1.The Judicial Magistrate,
Thiruvennainallur,
Villupuram District.
- 2.The Inspector of Police,
Thiruvennainallur Police Station,
Villupuram District.
- 3.The Superintendent,
Sub-Jail, Villupuram.
- 4.The Public Prosecutor,
High Court of Madras.

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