



CRL OP(MD). No.18510 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/10/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.18510 of 2024

Vivekanandhan,

... Petitioner/ Sole Accused

Vs

The State of Tamil Nadu Rep By,
The Inspector of Police,
Peraiyur Police Station,
Ramanathapuram District.
Cr.No.96 of 2024.

... Respondent/Complainant

For Petitioner : Mr. G.Vishnuram,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Cr.No.96 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial



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custody on 18.10.2024 for the offence punishable under Section 303(2) of BNS and Section 21(1) of Mines and Minerals (Development and Regulations) Act, 1957, in Crime No.96 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and the other accused are said to have illegally transported river sand. Hence, the case.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent and perused the materials available on record.

4. Considering the nature of allegations in this case that when the complainant/police party intercepted the petitioner, the petitioner said to have been illegal possession of river sand and however without stopping the vehicle he has been spilling the sand on the road and went away and considering the fact that no videograph or photograph of such spilling of the sand is available, I am inclined to enlarge the petitioner on bail.

5. Accordingly, this Criminal Original Petition is allowed and the petitioner is



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ordered to be released on bail, on 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 Judicial Magistrate, Kamuthi, Ramanathapuram District.

(i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii) the petitioner is directed to deposit a sum of **Rs.2,000/- (Rupees Two Thousand only)** to the credit of the **Environmental Committee Operated by Registrar (Judicial) [Account No.7633863037; MICR Code: 625019020, CIF No: 30602376727, IFSC Code: IDIB000H040, High Court Branch, Madurai (2001)]**, without prejudice to his rights and contentions before the trial Court;

(iii) the petitioner shall report before the respondent police daily at 10.30 a.m for a period of three weeks and thereafter, as and when required for interrogation;

(iv) the petitioner shall not tamper with evidence or witness;

v) the petitioner shall not abscond during trial.



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vi) 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]**.

(vii) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
28/10/2024

/ TRUE COPY /

28/10/2024

Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PAL
TO

- 1 THE JUDICIAL MAGISTRATE
KAMUTHI, RAMANATHAPURAM DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE,
PERAIYUR POLICE STATION,
RAMANATHAPURAM DISTRICT.



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4 THE OFFICER INCHARGE,
SUB JAIL, MUTHUKULATHUR,
RAMANATHAPURAM DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:
THE SECTION OFFICER,
ACCOUNTS SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.G.VISHNURAM, Advocate (SR-13309[I] dated 28/10/2024)

ORDER
IN
CRL OP(MD) No.18510 of 2024
Date :28/10/2024

SS/SAR- /28/10/2024/ 5P/8C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023