



CRL OP(MD). No.20952 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02.12.2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD). No.20952 of 2024

Murugan,

... Petitioner/ Accused No.1

Vs

The State of Tamil Nadu
represented by the Inspector of Police,
Pavoorchatram Police Station,
Tenkasi District.
(Crime No.414 of 2024)

... Respondents/ Complainant

For Petitioner : Mr.R.Anand,
Advocate.

For Respondents: Mr.S.Ravi,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS,2023.

PRAYER :- For Bail in Crime No.414 of 2024 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner / Accused No.1, who was arrested and remanded to judicial custody on 19.11.2024 for the alleged offences under Sections 303(2) of BNS, 62 of



CRL OP(MD). No.20952 of 2024

BNS and Sections 4(1), 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 @ 303(2), 62 of BNS and Sections 4(1), 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 and Section 3, 4(a) of Indian Explosives Substances Act, in Crime No.414 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that based on secret information, an inspection was made on 18.11.2024 at about 7.30 a.m. and it was found that the petitioner, with the help of a compressor attached with a tractor, was drilling the rock and this was done with the aid of other accused persons. Thus, the accused persons were damaging the rock and were also stealthily removing the minerals unauthorizedly. There are totally 4 accused persons in this case and the petitioner has been arrayed as A1 who is said to be the driver of the tractor.

3. Heard the learned counsel on either side and perused the material records of the case.

4. Taking into consideration the facts and circumstances of the case and considering the fact that the entire minerals, unauthorizedly attempted to be removed, have already been seized and considering the fact that there are no previous cases against the petitioner and the petitioner has suffered incarceration from 19.11.2024, this Court is inclined to grant bail to the petitioner subject to the



CRL OP(MD). No.20952 of 2024

following conditions:

WEB COPY

5. Accordingly, the petitioner is ordered to be released on bail on his 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, Tenkasi, 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 on every Friday at 05.30 p.m. for a period of 6 weeks and thereafter, as and when required.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond 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



CRL OP(MD). No.20952 of 2024

Section 269 of BNS, 2023.

WEB COPY

sd/-
02/12/2024

/ TRUE COPY /

02/12/2024
Sub-Assistant Registrar(C.O)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PAL
TO

1 THE JUDICIAL MAGISTRATE,
TENKASI.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, TENKASI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI, TIRUNEVELI DISTRICT.

4 THE INSPECTOR OF POLICE,
PAVOORCHATRAM POLICE STATION,
TENKASI DISTRICT.

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



WEB COPY



CRL OP(MD). No.20952 of 2024

ORDER
IN
CRL OP(MD) No.20952 of 2024
Date :02/12/2024

SA/SAR. /02.12.2024/5P/6C

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