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Crl.O.P.No.4024 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.4024 of 2025

Sridharan

... Petitioner/Accused No.2

Vs.

The State represented by,
The Station House Officer,
Thiyagadurgam Police Station,
Kallakurichi District.
(Crime No.68 of 2025).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the Crime No.68 of 2025, pending investigation on the file of the respondent Police.

For Petitioner : Mr.N.Ranjith Kumar

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

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 05.02.2025, seeking bail in Crime No.68 of 2025 registered for the offence under Sections 303(2) of BNS (379 of IPC) and Section 21(1) of Mines and Minerals (Development and Regulation Act).



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2. The case of the prosecution is that the petitioner had illegally transported 3 units of gravel sand in a Tipper Lorry bearing Reg.No.TN 30 A X 5566. Hence the case.

3. Learned counsel appearing for the petitioner submitted that petitioner is in custody from 05.02.2025 and since the sand and the vehicle was been seized, the petitioner may be released on bail.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, while opposing for grant of bail to the petitioner, submitted that the petitioner has no previous case.

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



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6. Considering, the fact that the sand and the vehicle has been seized; no previous case; period of incarceration and since further custody is not required for the purpose of investigation, this Court is inclined to grant bail to the petitioner with certain conditions.

7. 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 No.II, Kallakurichi**

[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, everyday at 10.30 a.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;



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[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 B.N.S.

17.02.2025

Sma
To

1. The Judicial Magistrate No.II, Kallakurichi
2. The Station House Officer,
Thiyagadurgam Police Station,
Kallakurichi District.
3. The Superintendent,
Sub Jail, Kallakurichi
4. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN., J.

Sma

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