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Crl.O.P.No.4104 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.4104 of 2025

Murugesan

...Petitioner/Accused 1

Vs.

State through
The Sub Inspector of Police,
Deevattipatti Police Station,
Salem District.

(Crime No.43 of 2025)

...

Respondent

PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioner on bail in Crime No.43 of 2025 pending investigation on the file of the respondent police.

For Petitioner : Mr.B.Gopalakrishnan

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



Crl.O.P.No.4104 of 2025

WEB COPY

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 31.01.2025, seeking bail in Crime No.43 of 2025 registered for the offence under Section 21(1) of MMDR Act and Section 303(2) of BNS Act.

2.It is the case of the prosecution that the petitioner along with the other accused was found to be in illegal possession of two units of red soil in a vehicle bearing Registration No.TN-47-AJ-3045, without any permit. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case and that the petitioner is the driver of the vehicle and the material has been seized and that no previous case is pending against the petitioner and has been in custody from 31.01.2025 and hence, further custody of the petitioner is not required.



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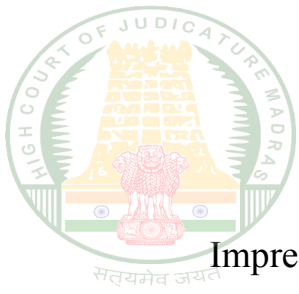
4.Per contra, the learned Government Advocate (Crl. Side) reiterated the prosecution case and submitted that the petitioner is the driver of the vehicle and that the material has been seized and that no previous case is pending against the petitioner.

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.

6.Considering the nature of allegations, period of incarceration and the fact that the contraband was seized and no previous case is pending against the petitioner and since further custody of the petitioner is not required for the purpose of interrogation, 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 **Judicial Magistrate, Omalur**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb



Crl.O.P.No.4104 of 2025

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;

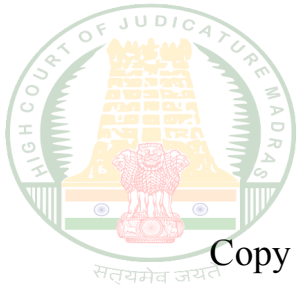
[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[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.

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- 1.The Sub Inspector of Police,
Deevattipatti Police Station,
Salem District.
- 2.The Judicial Magistrate, Omalur.
- 3.The Superintendent of Prison,
Central Prison, Salem.
- 4.The Public Prosecutor,
High Court, Madras.

SUNDER MOHAN, J.



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CrI.O.P.No.4104 of 2025

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