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Crl.O.P.No.4130 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.4130 of 2025

1.Thamizhselvan
2.Aruldass

...Petitioners/Accused

Vs.

State through
The Inspector of Police,
Panruti Police Station,
Cuddalore.

(Crime No.49 of 2025)

...

Respondent

PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioners on bail in Crime No.49 of 2025 pending investigation on the file of the respondent police.

For Petitioners : Mr.S.Kasirajan

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

ORDER

This Criminal Original Petition has been filed by the petitioners, who were arrested and remanded to judicial custody on 27.01.2025, seeking bail



in Crime No.49 of 2025 registered for the offence under Sections 303(2), 326(a) of BNS and Sections 21(1) of MM Act and Section 379, 430 of IPC.

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2.It is the case of the prosecution that the petitioners along with the other accused were found to be in illegal possession of 1 unit of Savudu sand. Hence, the case.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case and that the petitioners have been in custody from 27.01.2025 and that there are no previous cases pending against them and hence, custodial interrogation of the petitioners is not required. Hence, he prays for the grant of bail.

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



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

6.Considering the period of incarceration and the fact that the material has been seized and no previous case is pending against the petitioners and since further custody of the petitioners is not required for the purposes of interrogation, this Court is inclined to grant bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail on their executing separate bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** each with **two sureties**, each for a like sum to the satisfaction of the **Judicial Magistrate Court – 1, Panruti**, 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 petitioners shall report before the respondent Police,
everyday at 10.30 a.m., until further orders;

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[c] the petitioners shall not abscond either during investigation or
trial;

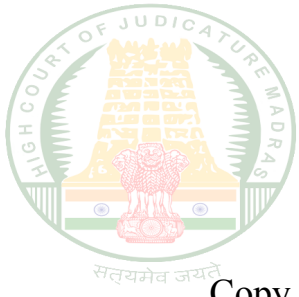
[d] the petitioners shall not tamper with evidence or witness either
during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned
Magistrate/Trial Court is entitled to take appropriate action against the
petitioners in accordance with law as if the conditions have been imposed
and the petitioners 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.

18.02.2025

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- 1.The Inspector of Police,
Panruti Police Station,
Cuddalore.
- 2.The Judicial Magistrate Court 1, Panruti.
- 3.The Superintendent of Prison,
Central Prison, Cuddalore.
- 4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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