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Crl.O.P.No.4788 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.4788 of 2025

Dineshkumar

...Petitioner/Accused 2

Vs.

State through
The Inspector of Police,
Avinashipalayam Police Station,
Tiruppur District.

(Crime No.89 of 2025)

...

Respondent

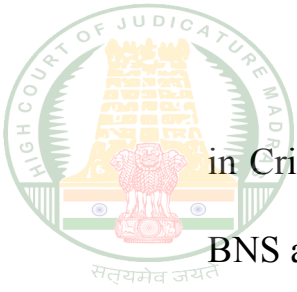
PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioner on bail in Crime No.89 of 2025 pending investigation on the file of the respondent police.

For Petitioner : Mr.G.Saravanan

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 06.02.2025, seeking bail



in Crime No.89 of 2025 registered for the offence under Section 303(2) of BNS and Sections 4(1)(1A) and 21(1) of Mines and Minerals (Development & Regulation) Act, 1957.

2.It is the case of the prosecution that the petitioner along with the other accused was found to be in illegal possession of 3 units of gravel sand in a vehicle bearing Registration No.TN-28-AM-6683, without any permit. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and that he is the owner of the vehicle and that the material has been seized and A1 was already granted bail by this Cort in Crl.O.P.No.4483 of 2025 on 20.02.2025 and the petitioner has been in custody from 06.02.2025 and hence, further custody of the petitioner is not required.

4.Per contra, the learned Government Advocate (Crl. Side) reiterated the prosecution case and submitted that the petitioner is the owner of the vehicle and against whom two previous cases are pending and the contraband has been seized.



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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 fact that the contraband has been seized, A1 was released on bail by this Court, period incarceration and that the petitioner is on bail in all the cases 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, Palladam, Tiruppur District**, 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,
everyday at 10.30 a.m., until further orders;

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

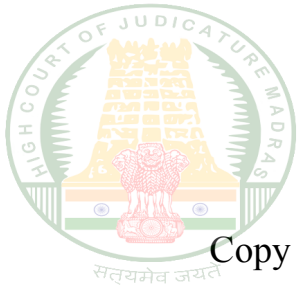
[d] the petitioner shall not tamper with evidence or witness either
during investigation or trial;

[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 5890];***

[f] If the accused thereafter absconds, a fresh FIR can be registered
under Section 269 B.N.S.

24.02.2025

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- 1.The Inspector of Police,
Avinashipalayam Police Station,
Tiruppur District.
- 2.The Judicial Magistrate, Palladam, Tiruppur District.
- 3.The Superintendent of Prison,
Central Prison, Coimbatore.
- 4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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