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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.6506 of 2025

1.Jayaprakash
2.Govindharaj

...Petitioners/Accused 1 & 4

Vs.

State rep by
The Inspector of Police,
G-5,Negamam Police Station,
Coimbatore District.

(Crime No.44 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.44 of 2025 on the file of the respondent police.

For Petitioners : Mr.R.C.Paul Kanagaraj
for Mr.W.Camyles Gandhi

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



ORDER

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This Criminal Original Petition has been filed by the petitioners, who were arrested and remanded to judicial custody on 14.02.2025, seeking bail in Crime No.44 of 2025 registered for the offence under Sections 303(2), 324(4) and 329(3) of BNS and Section 21(1) of Mines and Minerals (Development and Regulation) Act @ 191(2), 303(2), 324(4), 329(3) of BNS and 21(1) of MMDR Act.

2.It is the case of the prosecution that the petitioner along with the other accused had illegally removed gravel sand from the land belonging to one Narmatha and while doing so, the petitioner had damaged the fencing of the land belonging to the defacto complainant and thus committed the aforesaid offences.

3.The learned counsel for the petitioner would submit that the allegations are false; that the petitioner was engaged by the said Narmatha to remove the said sand and that in any case, further custody of the petitioner is not required and sought for bail.



4.Per contra, the learned Government Advocate (Crl. Side) reiterated the prosecution case and opposed the grant of bail.

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5.Heard the learned counsel on either side and perused the materials available on record.

6.Considering the nature of allegations, the period of incarceration, this Court is of the view that further custody of the petitioner is not required. Hence, this Court is inclined to grant bail to the petitioner 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 – II, Pollachi**, 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;



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[b] the first petitioner shall appear before the respondent police as and when required for interrogation and the second petitioners shall report before the respondent Police, everyday at 10.30 a.m., until further orders;

[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.

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1. The Inspector of Police,
G-5, Negamam Police Station,
Coimbatore District.

2. The Judicial Magistrate – II, Pollachi.

3. Sub Jail, Pollachi.

4. The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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