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Crl.O.P.No.6675 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.6675 of 2025

Mariappan

...Petitioner/Accused 4

Vs.

State rep by
The Inspector of Police,
Thondamuthur Police Station,
Coimbatore District.

(Crime No.210 of 2024)

... Respondent

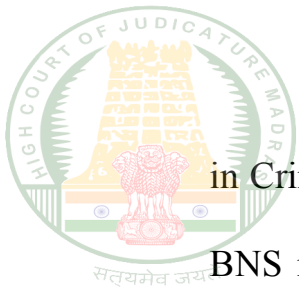
PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioner on bail in Crime No.210 of 2024 pending investigation on the file of the respondent police.

For Petitioner : Mr.M.Mohamed Riyaz

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 24.02.2025, seeking bail



in Crime No.210 of 2024 registered for the offence under Section 303(2) of BNS r/w 21(1) of Mines and Minerals (Development & Regulation) Act, 1957 @ Sections 111, 303(2), 318, 336(2), 336(3), 340(2) of BNS and Section 21(2) of Mines and Minerals (Development & Regulation) Act, 1957.

2.It is the case of the prosecution that on receipt of secret information, the VAO went to the scene of occurrence and found huge tonnes of gravel sand worth about Rs.39,26,232/- was excavated; that after enquiry, it has been found that the petitioner/A4 along with the other accused had committed the said offence and the sand was taken from the land belonging to A1. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has nothing to do with the alleged offence and only based on the confession of A1, the petitioner is sought to be implicated; that A1 was granted anticipatory bail by this Court in Crl.O.P.No.25531 of 2024 on 21.10.2024 and that in any case, considering the period of incarceration from 24.02.2025, the petitioner may be released on bail.



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4.Per contra, the learned Government Advocate (Crl. Side) reiterated the prosecution case and submitted that there is one previous case against the petitioner and he is on bail in that 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.

6.Considering the nature of allegations, period of incarceration and the fact that the petitioner is on bail in the previous case, co-accused was granted anticipatory bail by this Court and the petitioner is sought to be implicated on the confession of the co-accused and since further custody of the petitioner 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.VI, Coimbatore, and on further conditions that:

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[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;

[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.

07.03.2025

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- 1.The Inspector of Police,
Thondamuthur Police Station,
Coimbatore District.
- 2.The Judicial Magistrate No.VI, Coimbatore.
- 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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