



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 21.03.2025
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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

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Crl.O.P.No.8588 of 2025

Kankan

...Petitioner/Accused

Vs.

State through
The Inspector of Police,
Cheyyar Police Station,
Tiruvannamalai District.
(Crime No.102 of 2025)

...Respondent

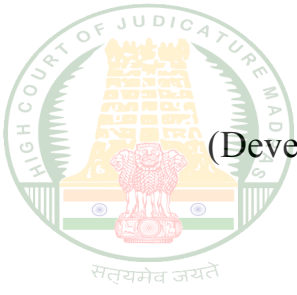
PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioner on bail in Crime No.102 of 2025 pending investigation on the file of the respondent police.

For petitioner : Mr.A.Anbharasu
Mr.S.Vishal

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 08.03.2025, seeking bail in Crime No.102 of 2025 registered for the offences under Sections 303(2) and 326(a) of the BNS, 2023 r/w Section 21(5) of the Mines and Minerals



(Development & Regulation) Act, 1957.

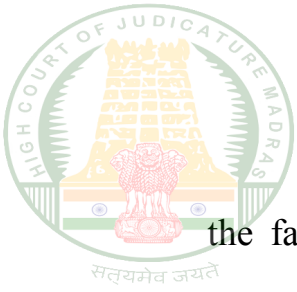
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2. It is the case of the prosecution that the petitioner had illegally transported 4 bags of river sand in a two wheeler. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is innocent; that the contraband were seized; that the petitioner is in custody from 08.03.2025; that he is suffering from jaundice; that further custody of the petitioner is not required and hence, the petitioner may be released on bail

4. The learned Government Advocate (Crl.Side) reiterated the prosecution case and submitted that the petitioner has 33 previous cases out of which 23 cases are disposed of and 8 cases are similar in nature.

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



6. Considering the nature of allegations, period of incarceration, the fact that the contraband were seized, the petitioner was arrested and released on bail in the other previous cases and that the petitioner is suffering from jaundice and since further custody of the petitioner is not required, 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 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, Cheyyar, Tiruvannamalai 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, twice a week, viz., on Monday and Saturday 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 5560]***;

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

21.03.2025

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Copy to:

1. The Inspector of Police,
Cheyyar Police Station,
Tiruvannamalai District
2. The Judicial Magistrate Court, Cheyyar,
Tiruvannamalai District
3. The Superintendent of Prison,
Vandavasi Sub-jail, Tiruvannamalai District.
4. The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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