



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.8306 of 2025

1.Chandrasekaran
2.Boopathi

...Petitioners/Accused 1 & 2

Vs.

State rep by
The Inspector of Police,
Nangavalli Police Station,
Salem 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.K.Poomalai

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 21.02.2025, seeking bail in Crime No.44 of 2025 registered for the offence under Section 303 of BNS, 2023 r/w Section 21(1) of Mines and Minerals (Development and Regulation Act) Act, 1957.

2.It is the case of the prosecution that the petitioners were found in illegal possession of 3 units of gravel sand in a Tipper lorry bearing Registration No.TN-28-BH-6312 without any permit. Hence, the case.

3.The learned counsel for the petitioners would submit that the allegations are false; that the petitioners have no bad antecedents; that the contraband has been seized and that in any case, further custody of the petitioners is not required and sought for bail.

4.Per contra, the learned Government Advocate (Crl. Side) reiterated the prosecution case and submitted that the first petitioner is the owner of the vehicle and the second petitioner is the driver of the vehicle; and that the contraband has been seized and that the petitioners have no bad antecedents.



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, the fact that the petitioners have no bad antecedents, this Court is of the view that further custody of the petitioners is not required. Hence, 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 No.I, Mettur, Salem 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 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;

WEB COPY

[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.

20.03.2025

ata



Copy to:

WEB COPY

1. The Inspector of Police,
Nangavalli Police Station,
Salem District.
2. The Judicial Magistrate No.I, Mettur, Salem District.
3. Sub Jail, Omalur, Salem District – 636455.
4. The Public Prosecutor,
High Court, Madras.



WEB COPY



SUNDER MOHAN, J.

ata

Crl.O.P.No.8306 of 2025

20.03.2025