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Crl.O.P.No.8364 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.8364 of 2025

1.Aravindhnan
2.Rajkumar
3.Murali
4.Vinayagam

...Petitioners/Accused 1 to 4

Vs.

State through
The Inspector of Police,
T-11, Somangalam Police Station,
Kancheepuram District.

(Crime No.53 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.53 of 2025 pending investigation on the file of the respondent police.

For Petitioners : Mr.M.Manimaran

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 08.03.2025, seeking bail in Crime No.53 of 2025 registered for the offence under Sections 326, 303(1) of BNS, 2023 r/w Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957.

2.It is the case of the prosecution that the petitioners along with the other accused were found in illegal possession of 10 units of river sand in Tipper Lorries bearing Registration Nos.TN-87-D-5564 and TN-87-C-8851 and TN-87-R-6866. Hence, the case.

3.The learned counsel for the petitioners would submit the petitioners are innocent; that they have no bad antecedents; that the contraband has been seized and that the petitioners are in custody from 08.03.2025 and hence, their further custody is not required and sought for bail.

4.Per contra, the learned Government Advocate (Crl. Side) reiterated the prosecution case and submitted that the contraband and the vehicles were seized and the petitioners have no bad antecedents.



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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, period of incarceration, the fact that the contraband has been seized, the petitioners have no bad antecedents and since further custody of the petitioners is not required, 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 Court, Sriperumbudur**, 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;

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[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.

21.03.2025

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Copy to:

- 1.The Inspector of Police,
T-11, Somangalam Police Station,
Kancheepuram District.
- 2.The Judicial Magistrate Court, Sriperumbudur.
- 3.The Superintendent of Prison,
Central Prison, Vellore.
- 4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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