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Crl.O.P.No.8168 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.8168 of 2025

Velayutham

...Petitioner/Accused

Vs.

State through
The Inspector of Police,
Kanai Police Station,
Villupuram.

(Crime No.36 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.36 of 2025 pending investigation on the file of the respondent police.

For Petitioner : Mr.C.Ganesh Pandian

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 26.02.2025, seeking bail

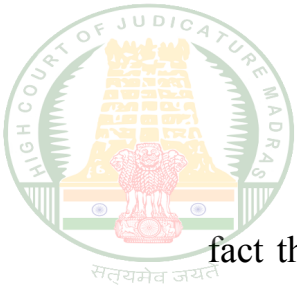


in Crime No.36 of 2025 registered for the offence under Sections 303(2), 326(a) of BNS, 2023 r/w Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957.

2.It is the case of the prosecution that the petitioner was found in illegal possession of half unit of river sand in a vehicle bearing Registration No.TN-31-BA-9132, without any permit. Hence, the case.

3.The learned counsel for the petitioner would submit that the allegations are false; that the contraband has been seized; and that the petitioner is in custody from 26.02.2025 and hence, further custody of the petitioner is not required.

4.Per contra, the learned Government Advocate (Crl. Side) reiterated the prosecution case and submitted that the contraband has been seized and that the petitioner has 14 previous cases pending against him and he is on bail in those cases.



5.Considering the nature of allegations, period of incarceration, the fact that the contraband has been seized, the petitioner is on bail in all the previous cases 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.

6.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 **Judicial Magistrate – I, Villupuram**, 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, 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;

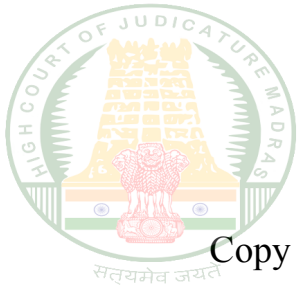


[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5890]***;

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

20.03.2025

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- 1.The Inspector of Police,
Kanai Police Station,
Villupuram.
- 2.The Judicial Magistrate – I, Villupuram.
- 3.District Prison, Villupuram.
- 4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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