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Crl.O.P.No.8166 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.8166 of 2025

Murugan

...Petitioner/Accused

Vs.

State through
The Inspector of Police,
Deevattipatty Police Station,
Salem District.

(Crime No.91 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.91 of 2025 pending investigation on the file of the respondent police.

For Petitioner : Mr.M.Sivakumar

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 27.02.2025, seeking bail



in Crime No.91 of 2025 registered for the offence under Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957 r/w Section 303(2) of BNS, 2023.

2.It is the case of the prosecution that the petitioner was found to be in illegal possession of 1 ½ units of gravel sand in a vehicle bearing Registration No.TN-30-CV-3679, without any permit. Hence, the case.

3.The learned counsel for the petitioner would submit that the allegations are false; that the petitioner is the owner cum driver of the vehicle and the contraband has been seized; and that the petitioner is in custody from 27.02.2025 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 petitioner is the owner of the vehicle cum driver of the vehicle and that the contraband has been seized.



5.Considering the fact that the contraband has been seized, period incarceration 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 Court, Omalur**, and on further conditions that:

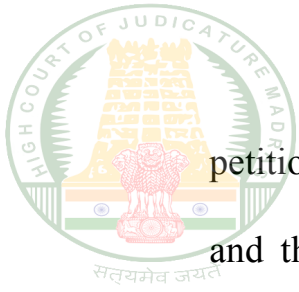
[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[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

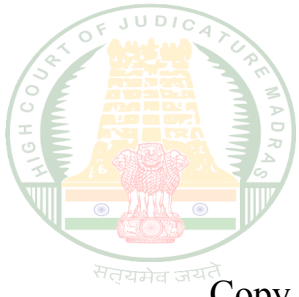


petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5890];***

[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,
Deevattipatty Police Station,
Salem District.
- 2.The Judicial Magistrate Court, Omalur.
- 3.Sub Jail, Omalur.
- 4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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