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Crl. O.P. No.10366 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.04.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.10366 of 2025

1.Manivel
2.Bharathidasan

... Petitioners/Accused 1 & 2

Vs.

The State represented by-

Rep. By The Inspector of Police,
Pennadam Police Station,
Cuddalore District.
(Crime No.73 of 2025)

... Respondent

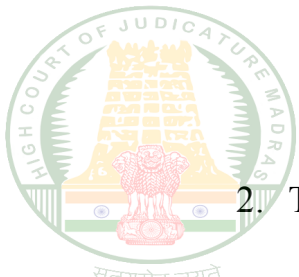
PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioners on bail, in connection with the Crime No.73 of 2025 pending investigation on the file of the respondent Police.

For Petitioners : Mr.M.Kalaiyaran

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 18.03.2025, seeking bail in Crime No.73 of 2025 registered for the offences under Sections 303(2), 326(a) of BNS r/w. 21(1) of Mines and Minerals (D &R) Act, 1957.



2. The case of the prosecution is that, the petitioners had illegally transported 1250 kgs of river sand in a TATA ACE. Hence, the case.

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3. Learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case; that the contraband was seized and that the petitioners are in custody from 18.03.2025 and hence, they may be released on bail.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police while opposing the grant of bail to the petitioners, reiterated the prosecution case and on instructions submitted that the contraband has been seized from the petitioners and that the first petitioner has one previous case and the second petitioner has no bad antecedents.

5. Considering the nature of allegations and the period of incarceration and the fact that the second petitioner has no bad antecedents and though the first petitioner has one previous case, he is on bail in that case and since further custody is not required for the purpose of interrogation, this Court is inclined to grant bail to the petitioners with certain conditions.



6. Accordingly, the petitioners are ordered to be released on bail on their executing a separate 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 learned **Judicial Magistrate, Thittagudi.**

[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, daily at 10.30 a.m., until further orders;

[c] the petitioners shall not abscond either during investigation or trial;

[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.

07.04.2025

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SUNDER MOHAN., J.

rkp

To

- 1.The Judicial Magistrate, Thittagudi.
- 2.The Inspector of Police,
Pennadam Police Station,
Cuddalore District.
3. The Superintendent, Central Prison, Cuddalore.
4. The Public Prosecutor, High Court of Madras.

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