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CRL O.P. No.13583 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.04.2025

CORAM:

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL O.P. No.13583 of 2025

P. Tamilazhagan S/o. Panneer Selvam ... Petitioner /
Accused-1

Vs

State rep. by:-

The Inspector of Police,
Somangalam Police Station,
Tambaram City Police. ... Respondent
[Cr. No.82 of 2025]

PRAYER: - Criminal Original Petition filed under Section 483 of BNSS,
pleased to enlarge the petitioner on bail, in connection with the Crime
No.82 of 2025, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.M.D. Ilayaraja

For Respondent : Mr. Leonard Arul Joseph Selvam,
Government Advocate
[Criminal side]

ORDER



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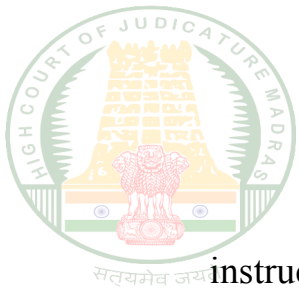
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This Criminal Original Petition has been filed by the petitioner/accused, who was arrested and remanded to judicial custody on 17.04.2025, seeking bail in Crime No.82 of 2025 registered for the offences under Sections 326 and 303(1) of BNS read with Section 21(1) of Mines and Minerals (Development and Regulation) Act.

2. The case of the prosecution is that the petitioner along with other accused had illegally transported river sand, using JCB, in a Lorry; that the co-accused escaped from the spot along with Lorry; and that the petitioner was arrested and the contraband and JCB were seized.

3. Learned counsel for the petitioner would contend that the allegations against the petitioner are false; that the petitioner has been falsely implicated in this case; that since contraband has been seized, further custody of the petitioner is not required and hence prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Criminal Side), on



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instructions, while opposing the grant of bail to the petitioner, reiterated the prosecution case and on instructions, submitted that the petitioner has no bad antecedents; and that contraband was seized.

5. Taking note of the facts and circumstances of the case, nature of allegations, submissions made by the learned counsels on either side, the fact that the contraband has been seized, the petitioner has no bad antecedents, period of 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 learned **Judicial Magistrate, Sriperumbudur** and on further conditions that:

[a] the sureties shall affix their photographs and



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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 5560]*;

[f] If the accused thereafter absconds, a fresh



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FIR can be registered under Section 269 B.N.S.

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mjs

To

1. The Judicial Magistrate, Sriperumbudur.
2. The Inspector of Police, Somangalam Police Station, Tambaram City Police.
3. The Sub Jail, Kancheepuram.
4. The Public Prosecutor, High Court of Madras.

SUNDER MOHAN. J.,

mjs

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