



Crl.O.P.No.14587 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.05.2025

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THE HON'BLE MRS. JUSTICE L.VICTORIA GOWRI

Crl.O.P.No.14587 of 2025

S.Ajay Kumar

... Petitioner

Vs.

State Rep. by,
The Inspector of Police,
Velur Police Station,
Namakkal District.
(Crime No.99 of 2025).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail, in Crime No.99 of 2025, pending investigation on the file of the respondent Police.

For Petitioner : Mr.R.Prabhakaran

For Respondent : Ms.J.R.Archana
Government Advocate (Crl.Side)

ORDER

Petition seeking bail in respect of Crime No.99 of 2025 registered for the alleged offences punishable under Section 303(2) of BNS, is on board for consideration.



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2. The case of the prosecution is that the petitioner/accused had committed theft of 50 bags of river sand from Cauvery river. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He also submitted that the petitioner is in no way connected with the alleged offence, however, without prejudice to the defence and contention, is ready and willing to deposit a sum of Rs.2,000/- to any welfare scheme of the Government or any other organization. He further submitted that the petitioner is suffering incarceration from 26.03.2025 and he is ready to abide by any stringent condition that may be imposed by this Court.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police, while opposing for grant of bail to the petitioner, reiterated the prosecution case and submitted that the petitioner was arrested on 26.03.2025 and the contraband and his two wheeler were seized.

5. Heard both sides and perused the materials available on record.



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6. Considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of Rs.2,000/- (Rupees Two Thousand only) as non-refundable deposit, to the credit of the **District Legal Services Authority, Namakkal**, without prejudice to the right of defence before the Trial Court and making it clear that it would not amount to admission of guilt.

7. Taking note of the facts and circumstances of the case, nature of allegations, submissions made by the learned counsels on either side and the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **District Munsif cum Judicial Magistrate, Paramathi**, 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;



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[b] the petitioner shall report before the respondent Police, everyday at 10.30 a.m., for a period of one month and thereafter, as and when required for further interrogation;

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

08.05.2025

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Note :

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.



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To

1. The District Munsif cum Judicial Magistrate, Paramathi.
2. The Inspector of Police,
Velur Police Station, Namakkal District.
3. The Superintendent,
Paramathi Sub Jail.
4. The Public Prosecutor,
High Court of Madras.



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L.VICTORIA GOWRI, J.

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