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Crl.O.P.No.15154 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.05.2025

CORAM

THE HON'BLE MR. JUSTICE N.SENTHILKUMAR

Crl.O.P.No.15154 of 2025

Gnanaprakash

... Petitioner/A4

Vs.

The State represented by,
The Inspector of Police,
K.G.Chavadi Police Station,
Coimbatore District.
(Crime No. 60 of 2025).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
2023 to enlarge the petitioner on bail in Crime No.60 of 2025 pending
investigation on the file of the respondent police.

For Petitioner : Mr.M.N.Balakrishnan

For Respondent : M/s.V.J.Priyadarsana
Government Advocate (Crl.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 01.05.2025, for the alleged offences punishable under Sections 303(2) of BNS (under Section 379 of IPC) and 21(1) of Mines and Minerals Act, 1957, in Crime No.60 of 2025, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 01.05.2025, the Village Administrative Officer, Ettimadai Village, on receipt of secrete information, went to the Ettimadai village, along with the Surveyor and they found that 1,600 cubic meters of sand was excavated from the Patta land of one Ganesan, without any valid permission or license, which caused monetary loss to the Government. 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 would submit that the petitioner has been in judicial custody from 01.05.2025. He further submitted that the petitioner, without prejudice to his rights, is ready to deposit a sum of Rs.25,000/- to any welfare scheme of the Government or any other organization. Hence, he prayed for grant of bail to



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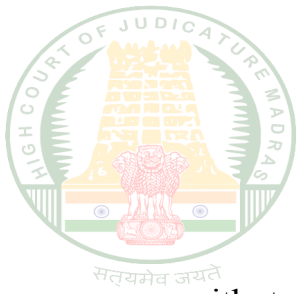
the petitioner.

4. Learned Government Advocate for the respondent submitted that the petitioner along with other accused excavated 1,600 cubic meters of sand from the Patta land of one Ganesan, without any valid permission or license, which caused monetary loss to the Government. He would submit that the petitioner has no previous cases against him. However, he opposed for grant of bail to the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the submissions of the learned counsel on either side and the period of incarceration undergone by the petitioner, and also taking into account the undertaking given by the petitioner, I am inclined to grant bail to the petitioner, subject to certain conditions.

7. 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)



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with two sureties, each for a like sum to the satisfaction of the learned

District Munsif Cum Judicial Magistrate Court, Madukkarai 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 is directed to deposit a sum of **Rs.25,000/-** (Rupees Twenty Five thousand only) as non-refundable deposit either through RTGS/NEFT/cash/demand draft in favour of the **Dean, Rajiv Gandhi Government General Hospital, Chennai, bearing A/c. No.10273425961, State Bank of India, Park Town (Chennai), 68, Evening Bazaar Road, Chennai, IFSC:SBIN0001856**, without prejudice to his defence before the trial Court and the learned Judicial Magistrate, after perusing the challan/receipt, shall accept the sureties furnished by the petitioner;

[c] the petitioner shall report before the **District Munsif Cum Judicial Magistrate Court, Madukkarai** daily at 10.30 a.m on every Monday to Friday and appear before the respondent police at 10.30 a.m on every Saturday and Sunday until further orders;

[d] the petitioner shall not abscond either during investigation or trial;



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[e] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[f] 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]*;

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

21.05.2025

Anu

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 official website of this Court will be watermarked and will also have a QR code.**



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N.SENTHILKUMAR,J.

Anu

To

- 1.The District Munsif Cum Judicial Magistrate Court, Madukkarai
2. The Inspector of Police,
K.G.Chavadi Police Station,
Coimbatore District.
- 3.The Superintendent,
Central Prison, Coimbatore
- 4.The Public Prosecutor,
High Court of Madras.

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