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Crl.O.P.No.14932 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.05.2025

CORAM

THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.14932 of 2025

Gopalakrishnan

... Petitioner

-VS-

State of Rep. by,
The Inspector of Police,
Ponnerikarai Police Station,
Kanchipuram District.
(Crime No.113 of 2025).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioner on bail, in
Crime No.113 of 2025, on the file of Inspector of Police, Ponnerikarai Police
Station, Kanchipuram District.

For Petitioner : Mr.S.Sasikumar

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 18.04.2025 for the offences punishable under Sections 326(a), 303(2) BNS, 2023, (379, 430 IPC), in Crime No.113 of 2025 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the Special Sub- Inspector of Police attached with the respondent police conducted routine vehicle checkup and they find that the petitioner's driven the lorry bearing Registration No. AP 39 UC 8026 was illegally transported 5 units of river sand without bill. Hence this Case.

3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police would submitted that in this case A2 is the owner of the lorry and the petitioner was illegally transported 5 units of river sand without valid permission and bill. Hence, he opposed for granting bail to the petitioner.

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



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6. Considering the facts and circumstances of the case, the submission made by the learned counsel appearing on either side and the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner with 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)** with **two sureties**, each for a like sum to the satisfaction of the *learned Judicial Magistrate No.II, Kanchipuram*, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

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

[c] the petitioner shall make herself available for interrogation by a Police Officer as and when required;

[d] the petitioner shall not directly or indirectly cause any threat to the de facto complainant and witnesses;

[e] the petitioner to give an undertaking that if



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required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[f] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned 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)13 SCC 283]**;

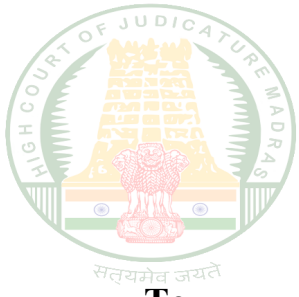
[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

14.05.2025

rna

“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
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- 1.The learned Judicial Magistrate No.II,
Kanchipuram.
- 2.The Inspector of Police,
Ponnerikarai Police Station,
Kanchipuram District.
- 3.The Superintendent,
Sub- Jail, Kanchipuram.
- 4.The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

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