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Crl.O.P. No.15302 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.05.2025

CORAM

THE HON'BLE MR. JUSTICE M. NIRMAL KUMAR

Crl.O.P. No.15302 of 2025

Venkatesan @ Venkat

... Petitioner/ Accused

Vs.

The State Rep. By,
The Inspector of Police,
Sathuvachari Police Station,
Vellore District.
(Crime No.89 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 connection with Crime No.89 of 2025, pending investigation on the file of the respondent.

For Petitioner : Mr. G. Nirmal Krishnan

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



CrI.O.P. No.15302 of 2025

ORDER

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Petition seeking bail in respect of Crime No.89 of 2025 registered for the alleged offences punishable under Sections 303(2) and 326 of BNS (Corresponds to Sections 378 and 430 of IPC), is on board for consideration.

2. The case of the prosecution is that the petitioner was involved in illegal transportation of river sand in his vehicle bearing Registration No.TN-70-A-3693. Hence, this case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent, he has been falsely implicated in this case and he has not committed any offence as alleged by the prosecution; that the petitioner has been arrested and remanded to judicial custody on 26.04.2025. He further submitted that the petitioner, without prejudice to his contentions, is prepared to deposit an amount of Rs.5,000/- towards any charitable organization or association and also ready to produce solvent sureties and to abide by any condition that may be imposed on him and prays bail to the petitioner.

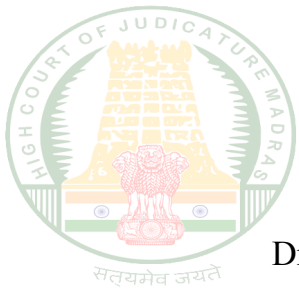
4. The learned Government Advocate (CrI. Side) appearing for the



respondent reiterated the prosecution case and on instruction submitted that the quantity of river sand involved in this case is around one unit and further the petitioner has three previous cases of similar nature. He also submitted that the investigation is pending and opposed the bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case, the nature of allegation against the petitioner, the submissions made by the learned counsels on either side, the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner. However, in order to curb illegal sand mining activities and taking into consideration the voluntary submission made by the petitioner offering to deposit a considerable amount to any charitable organization or association, this Court is of the opinion that as one of the conditions for grant of bail, the petitioner may be directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of District Legal Services Authority, Vellore, without prejudice to his rights and contentions before the trial Court. Accordingly, the petitioner is ordered to be released on bail with the following conditions:

- (1) The petitioner shall make a non refundable deposit of **Rs.5,000/- (Rupees Five Thousand only)** by way of Demand



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Draft/RTGS/NEFT to the credit of the **District Legal Services Authority, Vellore;**

(2) The petitioner shall execute a bond for **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties each for a like sum to the satisfaction of the **learned Judicial Magistrate No.V at Vellore along with the proof of deposit of Rs.5,000/- to the credit of District Legal Services Authority, Vellore;**

(3) **The petitioner shall report before the respondent police as and when required for interrogation;**

(4) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Metropolitan Magistrate shall obtain a copy of any one of identity proofs to ensure their identity;

(5) The petitioner shall make himself available for interrogation by a Police Officer as and when required;

(6) The petitioner shall not directly or indirectly cause any threat to the defacto complainant and witnesses;

(7) The petitioner to give an undertaking that if 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;



Crl.O.P. No.15302 of 2025

WEB COPY

(8) On breach of any of the aforementioned conditions, the learned Metropolitan Magistrate is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by themselves as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005)13 SCC 283].

(9) If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

15.05.2025

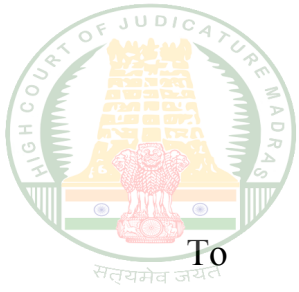
ari/ stn

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.**

M. NIRMAL KUMAR, J.

ari/ stn



Crl.O.P. No.15302 of 2025

To

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1. The Judicial Magistrate No.V,
Vellore.
2. The Inspector of Police,
Sathuvachari Police Station,
Vellore District.
(Crime No.89 of 2025)
3. The Superintendent,
Central Jail, Vellore.
4. The Public Prosecutor,
High Court of Madras.

Crl.O.P. No.15302 of 2025

15.05.2025