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Crl.OP.No.15962 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.05.2025

CORAM

THE HON'BLE MRS JUSTICE K. GOVINDARAJAN THILAKAVADI

Crl.O.P.No.15962 of 2025

1.Nagaraj

2.Kannadhasan

.. Petitioners/Accused 1&2

Vs.

The State rep by
The Inspector of Police,
Sulthanpettai Police Station,
Coimbatore.

(Crime No.146 of 2025)

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail in the
event of his arrest in Crime No.146 of 2025 on the file of the respondent
Police.

For Petitioners : Mr.A.Ramkumar

For Respondent : Mr.L.Baskaran
Government Advocate(Crl.Side)



ORDER

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The petitioners, who were arrested and remanded to judicial custody on 17.05.2025 for the offences punishable under Section 303(2) of BNS, 2023 and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.146 of 2025, seeks bail.

2.The case of the prosecution is that the petitioners had illegally transported one unit of gravel sand in a vehicle bearing Registration No.TN-37-CV-5334. Hence, the case.

3.The learned counsel for the petitioners would submit that the allegations are false. He would further submit that the contraband has been seized. He would further submit that the petitioners are in custody from 17.05.2025 and hence, further custody is not required. He would further submit that the petitioners, without prejudice to their defence and contention, are ready and willing to deposit an amount of Rs.10,000/- as non-refundable deposit to any welfare scheme of the Government or any other organization. Hence, he prayed for grant of bail to the petitioners.



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4.The learned Government Advocate (Crl. Side) appearing for the respondent reiterated the prosecution case and submitted that the petitioners are drivers of the vehicles and that the contraband and the vehicles were seized.

5.Heard the learned counsel on either side and perused the materials available on record.

6.Considering the nature of allegations, the period of incarceration, the fact that the contraband was seized, the submission of the learned counsel for the petitioner and since further custody of the petitioners is not required for the purpose of investigation, this Court is inclined to grant bail to the petitioners with certain conditions:

7.Accordingly, the petitioners are directed to make a non-refundable deposit of **Rs.10,000/- [Rupees Ten Thousand Only]** directly to the credit of “**District Legal Services Authority, Coimbatore District**”, without prejudice to their rights and contentions before the trial Court, on such



deposit and production of proof, the petitioners are ordered to be released on bail on their executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** each with **two sureties**, each for a like sum to the satisfaction of the **Judicial Magistrate, Sulur**, 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 petitioners shall report before the respondent police everyday at 10.30 a.m., for a period of two months and thereafter, as and when required for investigation.

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]***;

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

28.05.2025

ata/rkp

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.

To

1.The Inspector of Police,
Sulthanpettai Police Station,
Coimbatore.

2.Central Prison, Coimbatore.

3.The Judicial Magistrate, Sulur.

4.The Public Prosecutor,
Madras High Court,
Chennai.



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K. GOVINDARAJAN THILAKAVADI, J.
ata/rkp

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