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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.17295 of 2025

Thiyagu ... Petitioner

Vs.

The State represented by
The Inspector of Police,
Ponnerikarai Police Station,
Kancheepuram.

Crime No.149 of 2025 ... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in Crime No.149 of 2025 on the file of the respondent.

For Petitioner : Mr.G.Thiyagarajan

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

O R D E R

The petitioner, who was arrested and remanded to judicial custody on 02.06.2025, for the offence punishable under Section 326, 303 (2) of BNS Act, and Section 3 (1) of TNPPDL Act, 1992, in Crime No.149 of 2025,

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registered on the file of the respondent, seek bail.

2.The case of the prosecution is that the petitioner along with other accused was found in illegal possession of 4 bags of river sand, each bag weighing about 25 kgs of river sand. Hence, the case.

3.The learned counsel appearing for the petitioner submitted that the petitioner is innocent person and he has been falsely implicated in this case. The petitioner is in judicial custody from 02.06.2025 and hence, further custody of the petitioner is not required. He further submitted that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and opposed for grant of bail to the petitioner.

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

6.Considering the facts and circumstances of the case, submissions made by the learned counsels on either side and the period of incarceration

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undergone 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, Kancheepuram,** 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 daily at 10.30.a.m., for a period of three weeks; thereafter as and when required for interrogation;**

[c] the petitioner shall make himself 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 required for being identified by witnesses during

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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.

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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

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have a QR code.

To

1.The Judicial Magistrate No.II
Kanchipuram.

2.The Inspector of Police,
Ponnerikarai Police Station,
Kancheepuram.

3.The Sub Jail,
Kanchipuram

4.The Public Prosecutor,
High Court of Madras.

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