



Crl.O.P.No.22121 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2025

CORAM

THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.22121 of 2025

K.Murugesan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Tharamangalam Police Station,
Salem District.
(Crime No.411 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.411 of 2025 on the file of the respondent Police.

For Petitioner : Mr.A.Saravanan

For Respondent : Mr.R.Vinothraja
Government Advocate (Criminal Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 21.07.2025 for the offences punishable under Sections 303(2) of BNS and Section 21(1) of the Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.411 of 2025 on the file of the respondent police, seeks bail.



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2. The case of the prosecution is that the accused were found to be in illegal possession of four unit of red soil. Hence the case.

3. The contention of the learned counsel appearing for the petitioner is that the petitioner is innocent and has been falsely implicated in this case. He also submitted that without prejudice to defence, the petitioner is prepared to deposit considerable amount to any charitable Organization or Association. Hence, he prayed for grant of bail.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and opposed for granting bail to the petitioner stating that no previous case is pending against the petitioner.

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

6. Considering the facts and circumstances of the case, the submission made by the learned counsel appearing on either side and taking note of the period of incarceration 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 **Judicial Magistrate, Omalur**, and on further conditions that:



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[a] The petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) (Non refundable) to the credit of "Madras Advocate Cooperative Society Limited, Madras, in Account No.484022647, Indian Bank, Madras High Court Branch, Madras", and shall produce the proof of payment before the learned Magistrate concerned at the time of executing the sureties;

[b] 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;

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

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

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

[f] 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



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regard;

[g] 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]**;

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

08.08.2025

drl

To

1. The Judicial Magistrate,
Omalur.
2. The Inspector of Police,
Tharamangalam Police Station,
Salem District.
3. The Superintendent, Sub Jail,
Omalur.
4. The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

drl

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