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Crl.O.P.Nos.22433 and 22441 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.08.2025

CORAM

THE HONOURABLE Dr.JUSTICE **G.JAYACHANDRAN**

Crl.O.P.Nos.22433 and 22441 of 2025

1.Ganapathi ... Petitioner/A1 in Crl.O.P.No.22433 of 2025

1.Elango
2.Govindaraj
3.Santhosh @ Santhosh Kumar
4.SivaPetitioners/A2 to A4 in Crl.O.P.No.22441 of 2025

Vs.

State Rep. by:
The Inspector of Police,
Kandili Police Station,
Kandili, Tirupattur District.
(Crime No.195 of 2025)

... Respondents in both cases

COMMON PRAYER : Criminal Original Petition filed under Section 483 of BNSS, to enlarge the petitioners on bail pending investigation in Crime No.195 of 2025 on the file of the Inspector of Police, Kandili Police Station, Kandili, Tirupattur District.

For Petitioners : Mr.G.Vinodhkumar in both cases

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



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COMMON ORDER

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The petitioners, who were arrested and remanded to judicial custody on 29.07.2025, for the offence punishable under Sections 305(e), 326(a) of BNS r/w 21(1) of Mines & Minerals (Development & Regulation) Act, 1957, in Crime No.195 of 2025, registered on the file of the respondent, seeks bail.

2. The case of the prosecution is that, the petitioners illegally transported one unit of river sand in a JCB bearing Registration No.TN 83 D 4597 without a valid permit. Hence, the case.

3. The learned counsel appearing for the petitioners states that the petitioners have not committed any offence as alleged by the prosecution. He further submitted that the petitioners are ready to abide by any conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioners.

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



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on record.

5. Heard the learned counsels and perused the materials available

6. Considering the facts and circumstances of the case and the nature of the offence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on **depositing a sum of Rs.5,000/- (Rupees Five Thousand only) each in the account pertaining to Crime No.195 of 2025 on or before 10.09.2025.**

On such deposit, the surety may be considered and on further conditions that:

[a] The petitioner shall execute 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, Thirupattur;**

[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;



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[c] the petitioners shall report before the respondent police as and when required;

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

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

26.08.2025

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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 have a QR code.



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- To
- 1.The Judicial Magistrate No.II, Thirupattur
 - 2.The Inspector of Police,
Kandili Police Station,
Kandili, Tirupattur District
 - 3.The Superintendent, Central Prison, Vellore.
 - 4.The Public Prosecutor, High Court of Madras.



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