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Crl.O.P.No.22588 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2025

CORAM

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

Crl.O.P.No.22588 of 2025

Elavarasan

... Petitioner

Vs.

State of Tamil Nadu Rep.by
The Sub-Inspector of Police,
Natrampalli Police Station,
Tirupattur District.
(Cr.No.224 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.224 of 2025 on the file of the respondent police.

For Petitioner : Mr.E.Kannadasan

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 25.07.2025, for the offence punishable under Sections 303(2), 326(a) of
BNS, 2023 and Section 21(1) of Mines and Minerals (Development &



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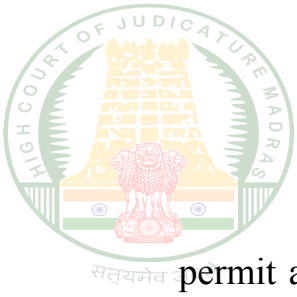
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Regulation) Act, 1957, in Crime No.224 of 2025, registered on the file of the respondent, seeks bail.

2. The case of the prosecution is that the petitioner, being the owner cum driver of the Tipper Lorry bearing Registration No.TN 83 F 4135, clandestinely removed 3 units of artificial sand from the patta land of the 2nd accused and when his vehicle was intercepted by the police, he was unable to produce a valid transport permit. Hence, the present complaint.

3. The learned counsel appearing for the petitioner submitted that the sand was removed from the patta land for the personal use of the 2nd accused. 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. Learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and opposed for the grant of bail to the petitioner. He submitted that the petitioner has one previous case of a similar nature for transporting minerals without a valid



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permit and the tipper lorry in which the minerals were transported has been seized, with confiscation proceedings contemplated.

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

6. Recording the submissions made by the learned Government Advocate (Crl.Side), this Court is inclined to grant bail to the petitioner, subject to certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on **depositing a sum of Rs.10,000/- (Rupees Ten Thousand only) in the account pertaining to Crime No.224 of 2025 within a period of fifteen days.** 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.III, Tirupattur;**

[b] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship



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[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 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 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]**;

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

13.08.2025

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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



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uploaded in the official website of this Court will be watermarked and will also have a QR code.

To

1.The Judicial Magistrate No.III, Tirupattur.

2.The Sub-Inspector of Police,
Natrampalli Police Station,
Tirupattur District.

3.Central Prison, Vellore.

4.The Public Prosecutor,
High Court of Madras.

Dr.G.JAYACHANDRAN, J.



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