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Crl.O.P.No.24007 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2025

CORAM

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

Crl.O.P.No.24007 of 2025

1.Devaraj
2.Subramanian

... Petitioners

Vs.

The State Rep. by:
The Sub Inspector of Police,
Maruvathur Police Station,
Perambalur District.
(Crime No.118 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail in Crime No.118 of 2025 on the file of the respondent police.

For Petitioners : Mr.S.Selvakumar

For Respondent : Mr.A.Gopinath
Government Advocate (Crl. Side)

ORDER

The petitioners, who were arrested and remanded to judicial custody on 16.07.2025, for the offence punishable under Sections 303(2) of BNS, 2023, Section 21(1) of MMDR Act, 1957, Section 9(B)(1)(b) of Indian Explosives Act, 1884 and Section 5 of Explosives Substances Act, 1908, in



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Crime No.118 of 2025, registered on the file of the respondent, seek bail.

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2. According to the prosecution, on a complaint given by Village Administrative Officer, the petitioners, along with others, were involved in illegal mining of minerals using explosives. Hence the present case.

3. The learned Government Advocate (Crl.Side) appearing for the respondent police opposed the grant of bail to the petitioners and submitted that these petitioners are neither the land owners nor the persons directly involved in the illegal mining. He further submitted that they were only the drivers of the vehicles used in the alleged offence.

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

5. Considering the said fact, this Court is inclined to grant bail to the petitioners, subject to certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate No.2, Perambalur**, and on



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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 petitioners shall report before the respondent police daily at 10.30 a.m., until further orders;

[c] 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]**;

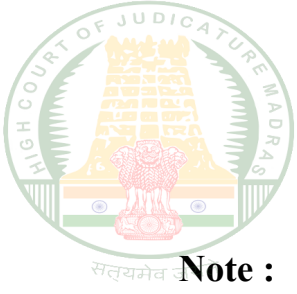
[d] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

01.09.2025

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Dr.G.JAYACHANDRAN, J.

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Note :

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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.2, Perambalur.

2.The Sub Inspector of Police,
Maruvathur Police Station,
Perambalur District.

3.The Superintendent, Central Prison, Tiruchirappalli.

4.The Public Prosecutor,
High Court of Madras.

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