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Crl.O.P.No.27704 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-10-2025

CORAM

THE HONOURABLE MR JUSTICE K. RAJASEKAR

CRL OP NO.27704 of 2025

Gopal

... Petitioner/ Accused

Vs

The State rep. by,
The Inspector of Police,
Karipatty Police Station,
Salem District.
(Crime No.333 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to grant bail to the petitioner/accused in
Crime No.333 of 2025 on the file of the respondent police.

For Petitioner(s) : Mr. R. Nalliyappan

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



ORDER

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The petitioner, who was arrested and remanded to judicial custody on 02.09.2025, for the offences punishable under Section 303(2) of BNS and Section 21(1) of Mines and Minerals Act in Crime No.333 of 2025, registered on the file of the respondent police, seeks bail. The earlier bail application of the petitioner was dismissed by this Court, vide order dated 18.09.2025 in Crl.O.P.No.25656 of 2025.

2. The case of the prosecution is that on 02.09.2025 at about 00:30 a.m., while the respondent police were on their routine patrol duty near Hatsun Dairy main Gate, Chennai - Salem Bypass, they found that the petitioner was illegally transporting 4 units of gravel sand in a lorry bearing Registration No.TN-54-AC-5799 without any license. Hence, this case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is only the driver, who was engaged only for transportation and he has no knowledge of the alleged illegal transportation. He further submitted that the petitioner is ready to abide by any conditions that may be imposed by this Court and sought for bail to the petitioner.



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4. The learned Government Advocate (Criminal Side) appearing for the respondent while opposing the bail to the petitioner, reiterated the prosecution case and states that the petitioner has no previous cases, however the quantity of gravel sand involved in this case is 4 units; and that the investigation is pending.

5. Considering the facts of the case, the petitioner has no previous antecedents and considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.20,000/- (Rupees Twenty Thousand only)** with **two sureties each**, for a like sum to the satisfaction of the **learned District Cum Judicial Magistrate Court, Vazhapadi** 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,



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2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[b] the petitioner shall report the respondent police daily at 10:30 a.m., for a period of three weeks and thereafter, as and when required for interrogation;

[c] 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]**;

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

10.10.2025

stn

Note :

1. Registry is directed to forthwith upload this order in the Official Website of this Court.



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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.

To

1. The District Cum Judicial Magistrate,
Vazhapadi.
2. The Inspector of Police,
Karipatty Police Station,
Salem District.
(Crime No.333 of 2025)
3. The Superintendent,
Central Jail, Salem.
4. The Public Prosecutor,
High Court of Madras.



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K. RAJASEKAR, J.

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