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Crl.O.P.No.32183



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.11.2025

CORAM :

THE HON'BLE MR. JUSTICE K. RAJASEKAR

**Crl.O.P.No.32183 of 2025**

Ayyappan

... Petitioner

-VS-

State Rep by,  
The Inspector of Police,  
Vedaranyam Police Station,  
Nagapattinam District.  
(Crime No.404 of 2025)

... Respondent

**Prayer:-** Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail in Crime No.404 of 2025 pending investigation on the file of the respondent police.

For Petitioner : Mr.J.Ranjithkumar

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

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## **ORDER**

The petitioner, who was arrested and remanded to judicial custody on 22.10.2025 for the offences punishable under Sections 296(b), 132, 351(2) and 303(2) of BNS and under Section 21(1) of Mines and Minerals (Development & Regulation) Act, (MMDR Act), 1957 in Crime No.404 of 2025, registered on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 22.10.2025, the petitioner along with other accused were involved in illegal mining of sand using a JCB and a tractor without any valid permit. Hence, this case.

3. The learned counsel appearing for the petitioner submitted that the petitioner has been falsely implicated in this case and the petitioner is in judicial custody since 22.10.2025; and that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court and sought for bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the



respondent while opposing the bail to the petitioner reiterated the prosecution case and stated that there are totally three accused involved in this case and the petitioner is arrayed as A1; that the petitioner has no previous antecedents; that one of the co-accused/ A3 is still absconding; that the quantity of the sand involved in this case is one unit; and that the investigation of this case is pending.

5. Considering the facts and circumstances of the case, the nature of allegation, the fact that the sand illegally mined and the vehicles involved in this case were already been seized, the petitioner has no previous antecedents and 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 Munsif cum Judicial Magistrate, Vedaranyam*, 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, 2019'].

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

**[b] the petitioner shall report before the learned District Munsif cum Judicial Magistrate, Vedaranyam daily at 10:30 a.m., for a period of three weeks and thereafter, as and when required for interrogation by the respondent police ;**

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with the evidence or witness either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the 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)AIR SCW 5560];

[f] If the accused thereafter absconds, a fresh FIR can



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be registered under Section 269 B.N.S.

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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.

**To**

- 1.The District Munsif cum Judicial Magistrate, Vedaranyam.
- 2.The Inspector of Police,  
Vedaranyam Police Station,  
Nagapattinam District.
- 3.The Superintendent of Prison,  
District Jail, Nagapattinam.
- 4.The Public Prosecutor,  
High Court, Madras.



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**K. RAJASEKAR, J.**

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