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Crl.O.P.No.34918



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2025

CORAM :

THE HON'BLE MR. JUSTICE K. RAJASEKAR

Crl.O.P.No.34918 of 2025

1.Iyyappan
2.Giri

... Petitioners

-VS-

State Rep by,
The Inspector of Police,
Bagayam Police Station,
Vellore District.
(Crime No.339 of 2025)

... Respondent

Prayer:- Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioners on bail in Crime No.339 of 2025 pending investigation on the file of the respondent police.

For Petitioners : Mr.S.Thirugnanam

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



ORDER

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The petitioners, who was arrested and remanded to judicial custody on 25.11.2025 for the offences punishable under Sections 303(2), 326(a) of BNS 2023 r/w Section 21(1) of MM (D & R) Act, 1957, in Crime No.339 of 2025, registered on the file of the respondent police, seeks bail.

2. The allegation against these petitioners is that, these petitioners joining hands with other accused involving in transportation of 8 units of river sand from Chithoor Baguda river and transported the same to Tamil Nadu in a lorry and the vehicle was intercepted by the respondent police Hence this case.

3. The learned counsel appearing for the petitioners submitted that the petitioners have been falsely implicated in this case and the petitioners are in judicial custody since 25.11.2025; and that the petitioners are ready to abide by any stringent conditions that may be imposed by this Court and sought for bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent reiterated the prosecution case and submitted that the petitioners are ranked as A6 and A7 and they are not having any previous case. He further



submitted that the co-accused already released on bail by this Court in Crl.O.P.No.34603 of 2025 vide order dated 17.12.2025 and opposed for grant of bail to the petitioners.

5. Considering the facts and circumstances of the case, that the huge quantity of river sand quarried and transported and though it is stated that investigation is pending in this case, the petitioners are not having any previous cases and also the period of incarceration, this Court is inclined to grant bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail on their 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 Judicial Magistrate No.I, Vellore, Vellore District*, 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 petitioners shall report before the respondent police daily at 10:30 a.m., for a period of two weeks



and thereafter as and when requires for interrogation by the respondent police;

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

[d] the petitioners 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 petitioners in accordance with law as if the 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)AIR SCW 5560];

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

19.12.2025

rna

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 Judicial Magistrate No.I, Vellore, Vellore District.
- 2.The Inspector of Police,
Bagayam Police Station,
Vellore District.
- 3.The Superintendent of Prison,
Central Prison, Vellore.
- 4.The Public Prosecutor,
High Court, Madras.



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K. RAJASEKAR, J.

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