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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 24.01.2025
PRESENT
The Hon`ble Mr.Justice N.ANAND VENKATESH
CRL OP(MD). No.1389 of 2025

1. Balamurugan
2. Thiruppathy
3. Sivasathivel ... Petitioners/ Accused 1 to 3

Vs

The State of Tamil Nadu
represented by the Inspector of Police,
Aranthangi Police Station,
Pudukkottai District.
(Crime No.10 of 2025) ... Respondent / Complainant

For Petitioners : Mr.K.C.Maniyarasu
Advocate.

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS,2023.

PRAYER :-

For Bail in Crime No.10 of 2025 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners / sole Accused, who was arrested and remanded to judicial custody on 27.11.2024 for the alleged offences under Sections 303(2) of The Bharatiya Nyaya Sanhita (BNS), 2023 read with Sections 21(1) & 21(2) of Mines and Minerals

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(Development & Regulation) Act, 1957, in Crime No.10 of 2025, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the accused persons were found in possession of river sand which was carried in a tractor. On interrogation, it came to light that the accused persons had already stocked three units of river sand and thereby totally four units of river sand was seized from the accused persons.

3. Heard the learned counsel on either side and perused the material records of the case.

4. The learned Additional Public Prosecutor submitted that, four units of river sand and tractor has been seized and that there are no previous cases against A1 and A2 and there are three previous cases against A3 for offence under the gambling Act.

5. Taking into consideration the facts and circumstances of the case and considering the fact that the river sand and the tractor has been seized and that there are no previous cases against the petitioners under the mines and minerals Act and also taking note of the period of incarceration undergone by the petitioners, this

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Court is inclined to grant bail to the petitioners subject to the following conditions:

6. Accordingly, the petitioners is ordered to be released on bail on his executing 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, Aranthangi, and on further conditions that:-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners is directed to deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand Only)each to the credit of Salem Vakil Gumasthas Association, Indian Overseas Bank, Branch: District Court, Salem (Account No:-17801000000397, IFSC Code:-IOBA001780, without prejudice to his rights and contentions before the trial Court.

[c] the petitioners shall report before the respondent police every Monday at 10.30 a.m. for a period of six weeks

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[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS, 2023.

sd/-
24/01/2025

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24/01/2025
Sub-Assistant Registrar (AE)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1.THE JUDICIAL MAGISTRATE, ARANTHANGI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI.

3.THE OFFICER IN CHARGE,
SUB JAIL,
ARANTHANGI.

4. THE INSPECTOR OF POLICE,
ARANTHANGI POLICE STATION,
PUDUKKOTTAI DISTRICT

5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO

THE OFFICER IN CHARGE,
SALEM VAKIL GUMASTHAS ASSOCIATION, DISTRICT COURT, SALEM

+1 CC to M/s.K.C.MANIYARASU, Advocate (SR-830[I] dated 24/01/2025)

ORDER
IN
CRL OP(MD) No.1389 of 2025
Date :24/01/2025

RK(24/01/2025) 5P / 8C
Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023

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