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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.02.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD).2694 of 2025

Karuppasamy

... Petitioner / Accused No.1

Vs.

The State of Tamil Nadu rep by

The Inspector of Police,

Murappanadu Police Station,

Thoothukudi District.

(Crime No.37 of 2025)

... Respondent / Complainant

PRAYER: The Criminal Original Petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant bail to the petitioner in Crime No.37 of 2025 on the file of the respondent-police.

For Petitioner : Mr.K.Suyambulingabharathi,
Advocate.

For Respondent : Mr.R.Meenakshi Sundarm,
Additional Public Prosecutor



ORDER: The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 10.02.2025 under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant bail.

2. The petitioner/A1 was arrested and remanded to judicial custody on 23.01.2025 for the alleged offences punishable under Sections 303(2) of BNS, 2023 in Crime No.37 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 23.01.2025, at about 13:00 hours, the defacto complainant, who is the Sub-Inspector of Police, along with his team, was on patrol duty near Sabari Paver Block Company. At that time, they found that the petitioner was transporting gravel sand in a Tipper Lorry bearing Rgistration No.TN-69-BP-2144. On seeing the police, the petitioner unloaded the gravel sand and attempted to flee from the scene in the lorry. However, the respondent-police managed to secure him. On enquiry, it was revealed that the petitioner is the driver and one Senthil Murugan (A2) is the owner of the vehicle. They were transporting gravel sand for sale without the necessary permission from the authorities. Hence,

the complaint.

<https://www.mhc.tn.gov.in/judis>



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4. Mr.K.Suyambulingabharathi, the learned counsel for the petitioner, submits that the petitioner is the driver of the said vehicle and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case. He further submits that the petitioner has been in judicial custody since 23.01.2025. He, however, submits that he is ready to obey the condition to be imposed by this Court and prays for granting bail to the petitioner.

5. Per contra, Mr.R.Meenakshi Sundaram, the learned Additional Public Prosecutor appearing for the respondent-police, submits that the petitioner herein and other accused person have illegally excavated and transported 3 units of gravel sand by using Tipper Lorry. He further submits that the petitioner herein is the driver of the said vehicle and there is no previous case pending against the petitioner. He further contends that the quantity of gravel sand involved in this offence is huge and if the petitioner is released on bail, he will cause threat to the prosecution witnesses and hence, he prays for dismissal of this petition.

6. Heard on both sides. This Court has perused the records.



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7. The petitioner was arrested and he has been in judicial custody since 23.01.2025. The petitioner is only driver of the vehicle and there is no previous case pending against the petitioner. On perusal of the records, it reveals the fact that the petitioner is the first offender. The petitioner has permanent residence and deep roots in the society and therefore, there is less possibility of absconding. Considering the above facts and with a view to give an opportunity to reform himself, this Court is inclined to grant bail to the petitioner, however, subject to certain conditions. Accordingly, bail is granted to the petitioner subject to the following conditions:

(i) The petitioner shall execute a bond for Rs.25,000/- (Rupees Twenty Five Thousand only) along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) to the satisfaction of the learned Judicial Magistrate No.I, Srivaikundam, Thoothukudi District;

(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner shall appear and sign before the learned Judicial Magistrate No.I, Srivaikundam, Thoothukudi District, on all working days, at 10.00 a.m. until further orders;



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(iv) The petitioner shall furnish his residence address and mobile number to the concerned Magistrate;

(v) The petitioner shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence; and

(vi) On breach of any of the aforementioned conditions, the learned Judicial Magistrate is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by him as laid down by the Hon'ble Supreme Court in P.K. Shaji vs. State of Kerala [(2005) 13 SCC 283].

8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

Sd/-
13/02/2025

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13/02/2025
Sub-Assistant Registrar (AE)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PAL

TO

1 THE JUDICIAL MAGISTRATE NO.I,
SRIVAIKUNDAM, THOOTHUKUDI DISTRICT.

2 DO-THROUGH-THE CHIEF JUDICIAL MAGISTRATE
THOOTHUKUDI DISTRICT.



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3 THE INSPECTOR OF POLICE,
MURAPPANADU POLICE STATION,
THOOTHUKUDI DISTRICT.

4 THE OFFICER INCHARGE,
SUB JAIL, SRIVAIKUNDAM,
THOOTHUKUDI DISTRICT.

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

+1 CC to M/s.K.SUYAMBULINGA BHARATHI, Advocate (SR-1602[I] dated
13/02/2025)

ORDER
IN
CRL OP(MD) No.2694 of 2025
Date :13/02/2025

ES/SKN/SAR/13.02.2025/6P/7C

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