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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.3519 of 2025

1. Murugapandiyan,
S/o. Karunakaramoorthy,
Mudalur Village,
Paramakudi Taluk,
Ramanathapuram District.

2. Rajeshwaran,
S/o. Meenatchisundaram,
Mudalur Village,
Paramakudi Taluk,
Ramanathapuram District.

... Petitioners/ A1 & A2

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Chathirakudi Police Station,
Ramnad District.
Crime No.24 of 2025.

... Respondent/ Complainant

For Petitioners : Mr.D.Senthil,
Advocate.

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)



PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.24 of 2025 on the file of the respondent-police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners on 21.02.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of bail.

2. The petitioners were arrested and remanded to judicial custody on 10.02.2025 for the offences punishable under Section 303(2) of Bharatiya Nyaya Sanhita (BNS), 2023 and Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.24 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 10.02.2025, at around 09:00 a.m., based on secret information, the Village Administrative Officer of Mudalur Village, Paramakudi Taluk, along with the Village Assistant, was conducting an inspection of the Vaigai River. During this inspection, they found that the petitioners were illegally excavating and transporting one unit of river sand using a two-wheeler bearing



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Registration No.TN-65-AY-7813, which belonged to the third accused. On investigation, it was revealed that the river sand had been continuously stored on the land in Survey No.218/2A2, which was maintained by the fourth accused, without any valid license or permission. On seeing the officials, the petitioners fled the scene. Subsequently, the Village Administrative Officer filed a complaint with the respondent-police and handed over the sand, which was recovered from the spot. Following the complaint, the respondent-police arrested the petitioners on the same day.

4. Mr.D.Senthil, learned counsel appearing for the petitioners, submits that the petitioners have nothing to do with the alleged offence. He further submits that a false case has been foisted against the petitioners. Hence, he prays to grant bail to the petitioners.

5. Mr.K.Sanjai Gandhi, learned Government Advocate (Criminal Side) appearing for the respondent-Police, submits that there are no previous cases against the petitioners. He further submits that there are four accused persons in this case and the petitioners have been arrayed as Accused Nos.1 and 2. He further submits that the river sand was recovered by the Village Administrative Officer from the spot. Hence, he vehemently opposes to grant bail to the petitioners.



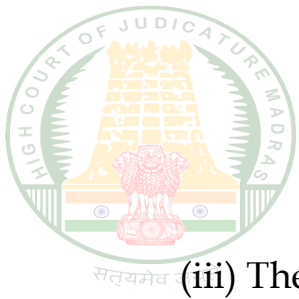
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6. Heard on both sides. This Court has perused the records.

7. The petitioners were arrested and have been in judicial custody since 10.02.2025. On perusing the records, it reveals the fact that the petitioners have permanent residence and deep roots in the society and hence, there is less possibility of absconding. Considering the same and also considering the fact that the petitioners have no previous cases and with a view to give an opportunity to the petitioners to reform themselves, this Court is inclined to grant bail to the petitioners, however, subject to certain conditions. Accordingly, bail is granted to the petitioners subject to the following conditions:

(i) The petitioners shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) each along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand Only) to the satisfaction of the learned Judicial Magistrate, Paramakudi;

(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, Paramakudi, shall obtain a copy of any one of identity proofs to ensure their identity;



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(iii) The petitioners shall attend in accordance with the conditions of the bond to be executed under Chapter XXXV of BNS, 2023;

(iv) The petitioners shall not commit an offence similar to the offence of which they are accused, or suspected, of the commission of which they are suspected;

(v) The petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer or tamper with the evidence;

(vi) The petitioners shall also not directly or indirectly cause threat to the defacto complainant and the witnesses;

(vii) The petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate, Paramakudi;

(viii) the petitioners shall appear and sign before the respondent-Police daily at 10.30 a.m., until further orders; and



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(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Paramakudi 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/-
25/02/2025

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25/02/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

tsg

TO

1 THE JUDICIAL MAGISTRATE
PARAMAKUDI

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.



3 THE OFFICER INCHARGE
DISTRICT PRISON, RAMANATHAPURAM.

4 THE INSPECTOR OF POLICE,
CHATHIRAKUDI POLICE STATION,
RAMNAD DISTRICT.

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

+1 CC to M/s.D.SENTHIL, Advocate (SR-2069[I] dated 25/02/2025)

ORDER IN
CRL OP(MD) No.3519 of 2025
Date :25/02/2025

ES/SAR /25.02.2025/7P/7C

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