



CRL OP (MD) No.6294 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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(Criminal Jurisdiction)

Date : 04/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.6294 of 2025

1. Ajith Kumar

2. Moorthy

... Petitioners / A3 and A4

Vs

The State of Tamil Nadu
Rep. by the Inspector of Police,
Parthibanoor Police Station,
Ramanathapuram District.
(Crime No. 37 of 2025)

... Respondent/Complainant

For petitioners : Mr.S.Muniyandi
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.37 of 2025 on the file of the respondent-police.



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ORDER : The Court made the following order :-

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This Criminal Original Petition has been filed by the petitioners on 02.04.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioners/Accused Nos.3 and 4 were arrested and remanded to judicial custody on 23.03.2025 and 21.03.2025 respectively, for the alleged offences punishable under Section 303(2) of Bharatiya Nyaya Sanhita, 2023 and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.37 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that, based on secret information, on 20.03.2025, when the defacto complainant, the Village Administrative Officer, along with the Village Assistant and police officials, was conducting surveillance, they intercepted a Tipper Lorry bearing Registration No.TN-76-K-5056 and a Car bearing Registration No.TN-22-CC-7158. At that time, the first petitioner (A3), A1 and another unknown person escaped from the scene, while the second petitioner (A4) and A2 were arrested. Upon searching, they found that the petitioners and other accused had illegally excavated and transported three units of river sand in the said lorry. Based on their confession, the first petitioner was arrayed as A3 and arrested on 23.03.2025. Hence, the case.



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4. Mr.S.Muniyandi, learned counsel appearing for the petitioners, submits that the petitioners are innocent persons, that they have not committed any offence as alleged by the prosecution, and that they have been falsely implicated in this case. He further submits that the petitioners have been in judicial custody since 23.03.2025 and 21.03.2025 respectively and are ready to abide by any conditions that may be imposed by this Court. He therefore prays to grant bail to the petitioners.

5. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate (Crl. side) appearing for the respondent-police, submits that there are 3 previous cases pending against the first petitioner, which are not similar in nature and that there is one previous case pending against the second petitioner, which is not similar in nature. He further submits that the investigation of the case is still pending, and therefore, at this stage, if the petitioners are enlarged on bail, they may abscond and delay the investigation. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. The petitioners were arrested and remanded to judicial custody on 23.03.2025 and 21.03.2025 respectively. The petitioners have been in judicial custody since then. Considering the same, and also considering the nature of offence



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allegedly committed by the petitioners and the period of incarceration, and with a view to give one more 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;

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

(iv) The petitioners shall appear and sign before the learned Judicial Magistrate, Paramakudi, on all working days at 10.30 am until further orders;

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

(vi) 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;

(vii) 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;



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

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Paramakudi is entitled to pass appropriate orders against the petitioners 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/-
04/04/2025

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/04/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

To

1. The Judicial Magistrate,
Paramakudi.
2. Do-Through The Chief Judicial Magistrate,
Ramanathapuram District.



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3. The officer-in-charge,
Sub Jail, Ramanathapuram.

4. The Inspector of Police,
Parthibanoor Police Station,
Ramanathapuram District.

5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.S.MUNIYANDI, Advocate (SR-3916[I] dated 04/04/2025)

ORDER
IN

CRL OP(MD) No.6294 of 2025

Date :04/04/2025

MK/SAR /04.04.2025 6P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023