



CRL OP (MD) No.6380 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/04/2025

PRESENT

the HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.6380 of 2025

Vijaykumar

... Petitioner/sole Accused

Vs

State of Tamil Nadu rep. by
The Sub-Inspector of Police,
Melavalavu Police Station,
Madurai District.
Crime No.52 of 2025.

... Respondent/Complainant

For Petitioner : Mr.Kumar.N,
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.52 of 2025 on the file of the Respondent-Police.



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ORDER: The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 03.04.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioner/sole accused was arrested and remanded to judicial custody on 26.03.2025 for the offences punishable under Section 303(2) of Bharatiya Nyaya Sanhita (BNS), 2023 r/w Section 21(5) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.52 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that, on 25.03.2025 at about 23:30 hours, based on secret information, the defacto complainant, the Village Administrative Officer, along with the Village Assistant, was conducting surveillance near the Pattooar stream. During the surveillance, they found that the petitioner was excavating and transporting river sand in a tractor-cum-trailer bearing Registration No.TN-23-BX-2464, without any valid licence or permission. They apprehended the petitioner, seized the vehicle, and handed over both the petitioner and the vehicle to the respondent-police. Hence, the case.

4. Mr.N.Kumar, learned counsel appearing for the petitioner, submits that the petitioner is an innocent person and has not committed any offence as alleged by the



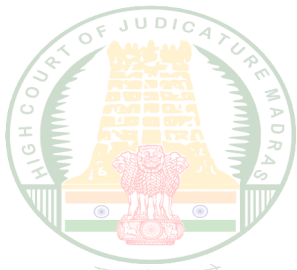
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prosecution. He further submits that the petitioner's marriage is scheduled to be held on 09.04.2025. Additionally, he submits that the petitioner has been in judicial custody since 26.03.2025, that he is a law-abiding citizen, and that he is ready to abide by any conditions that may be imposed by this Court. He further submits that further custody of the petitioner may not be necessary for the Investigation Agency in this case. He therefore prays to grant bail to the petitioner herein.

5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the petitioner is the sole accused in this case and that he has one previous case, which is similar in nature. He further submits that if the petitioner is enlarged on bail, he will commit similar offence, thereby causing loss to the wealth of the nation. Hence, he prays to dismiss this Criminal Original Petition.

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

7. The petitioner/sole accused was arrested and remanded to judicial custody on 26.03.2025. He has been in judicial custody since then. In view of the offence allegedly committed by the petitioner and the period of incarceration and the facts that the alleged vehicle with mineral (sand) has been seized and that the petitioner's marriage is scheduled to be held on 09.04.2025, this Court of the opinion that further custody of the petitioner is not necessary for the Investigation Agency in this case.



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Further, the petitioner has permanent residence and deep roots in the Society.
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Therefore, there is less possibility of absconding. Considering the above and with a view to give one more opportunity to the petitioner 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:

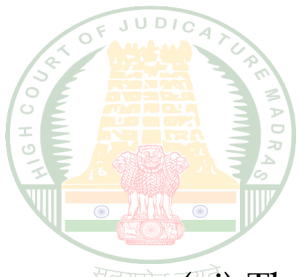
(i) The officer-in-charge, Sub Jail, Melur, is directed to release the petitioner on execution of a personal bond (own bond) for Rs.10,000/- (Rupees Ten Thousand only) by the petitioner;

(ii) After releasing the petitioner, the petitioner shall produce two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned Judicial Magistrate, Melur, within a period of 30 days from today;

(iii) 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, Melur, shall obtain a copy of any one of identity proofs to ensure their identity;

(iv) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate, Melur;

(v) The petitioner shall appear and sign before the respondent-police as and when required for interrogation;



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

(vii) The petitioner shall not commit an offence similar to the offence of he is accused, or suspected, of the commission of which he is suspected;

(viii) The petitioner 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 him from disclosing such facts to the Court or to any police officer or tamper with the evidence;

(ix) The petitioner shall not cause any threat to the defacto complainant and the witnesses; and

(x) On breach of any of the aforementioned conditions, learned Judicial Magistrate, Melur, 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].



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

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

TO

1 THE JUDICIAL MAGISTRATE
MELUR

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
MADURAI

3 THE OFFICER-IN-CHARGE,
SUB JAIL, MELUR.

4 THE SUB INSPECTOR OF POLICE,
MELAVALLAVU PS,
MADURAI DISTRICT.

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



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ORDER
IN
CRL OP(MD) No.6380 of 2025
Date :07/04/2025

AS (07/04/2025) 7P /6 C

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