



CRL OP (MD)No.6384 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.6384 of 2025

Manoj

... Petitioner/ Accused No.1

Vs

State of Tamil Nadu rep. by
The Inspector of Police,
Nangavaram Police Station,
Karur District.
Crime No. 83/2025.

... Respondent/Complainant

For Petitioner : Mr.S.Vinayak,
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.83 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/Accused No.1 was arrested and remanded to judicial custody on 26.03.2025 for the offences punishable under Sections 303(2) & 62 of BNS, 2023, and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.83 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that, based on secret information, on 26.03.2025 at about 12:30 p.m., the defacto complainant, Village Administrative Officer (VAO), along with the police officials, proceeded to the spot and found that the petitioner and other accused had illegally excavated and transported sand using a JCB bearing Registration No.TN-25-AX-9726, in patta land (Patta No.861), without any valid license or permission. They apprehended A1, the driver of the JCB, and seized the vehicle. Hence, the case.



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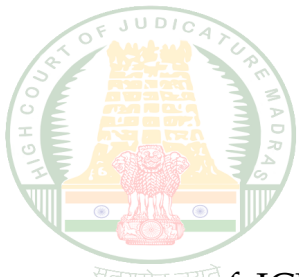
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4. Mr.S.Vinayak, learned counsel appearing for the petitioner, submits that the petitioner has nothing to do with the alleged offence and that a false case has been foisted against the petitioner. He however submits that the petitioner is ready to abide by any conditions that may be imposed by this Court. He further submits that the petitioner has been in incarceration since 26.03.2025. Therefore, he prays for granting bail to the petitioner.

5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the petitioner and other accused illegally excavated and transported sand in patta land belonging to A2. He further submits that there are no previous cases against the petitioner. He further submits that if bail is granted to the petitioner, he may abscond and delay the investigation. Therefore, he vehemently opposes to grant bail to the petitioner.

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

7. In this Case, totally, there are three accused persons. The petitioner, who is the driver of the said JCB, has been arrayed as A1. A2 is the land owner. A3 is the



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owner of JCB. In view of the fact that the petitioner is only the driver of the JCB working under A3, and considering the stage of investigation as well as the fact that the vehicle has already been seized, this Court is of the opinion that the further custody of the petitioner is not necessary for the Investigation Agency in this case. Further, the petitioner has permanent residence and deep roots in the society. Therefore, there is less possibility of absconding. Considering the same and with a view to give an opportunity to the petitioner to reform himself, this Court is inclined to grant an order of bail to the petitioner, however, subject to the following conditions:

(i) The petitioner shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) along with two sureties each for a like sum of Rs10,000/- (Rupees Ten Thousand Only) to the satisfaction of the learned Judicial Magistrate No.II, Kulithalai, Karur 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 No.II, Kulithalai, Karur District, shall obtain a copy of any one of identity proofs to ensure their identity;



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

(iv) 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;

(v) 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;

(vi) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate No.II, Kulithalai, Karur District;

(vii) The petitioner shall report before the respondent-police as and when required for interrogation; and



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(viii) On breach of any of the aforementioned conditions, learned Judicial Magistrate No.II, Kulithalai, Karur District, 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/-
07/04/2025

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Sd/-

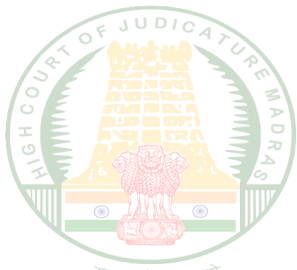
/04/2025

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

TO

1 THE JUDICIAL MAGISTRATE NO.II
KULITHALAI, KARUR

2 THE CHIEF JUDICIAL MAGISTRATE
KARUR DISTRICT



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3 THE INSPECTOR OF POLICE,
NANGAVARAM
POLICE STATION,
KARUR DISTRICT.

4 THE OFFICER INCHARGE,
SUB JAIL, KULITHALAI

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

ORDER
IN
CRL OP(MD) No.6384 of 2025
Date :07/04/2025

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

Madurai Bench of Madras High Court is issuing certified copies in this format from
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