



CRL OP (MD) No.8142 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.8142 of 2025

Jegathish Kumar

... Petitioner/ Accused No.1

Vs.

The State of Tamil Nadu
Rep. by the Inspector of Police,
Nainarkovil Police Station,
Ramanathapuram District.
(Crime No.41 of 2025)

... Respondent/ Complainant

For Petitioner : Mr.R.L.Dhilipan Pandian.,
Advocate

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

PETITION FOR BAIL Under Sec.483 of BNSS, 2023

PRAYER :-

For Bail in Crime No.41 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 petitioner on 28.04.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying



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to grant an order of bail.

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2. The petitioner was arrested and remanded to judicial custody on 22.04.2025 for the offences punishable under Section 303(2) of Bharatiya Nyaya Sanhita (BNS), 2023 r/w Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.41 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that, on 22.04.2025, at about 10.00 a.m., based on the secret information, the Sub Inspector of Police, along with his Police team, was patrolling to prevent sand theft near Thalaiyadikottai Vilakku Road, they found that the petitioner had illegally excavated and transported two units of river sand in a vehicle bearing Registration No.TN-58-Y-8462 without any valid license or permission. The respondent-police arrested the petitioner and seized the vehicle and sand from him. Hence, the case.

4. Mr.R.L.Dhilipan Pandian, learned counsel for the petitioner, submits that the petitioner is an innocent person, that he has not committed any offence as alleged by the prosecution and that a false case has been foisted against him. 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 judicial custody since 22.04.2025. He therefore prays to grant bail to the petitioner.

5. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate



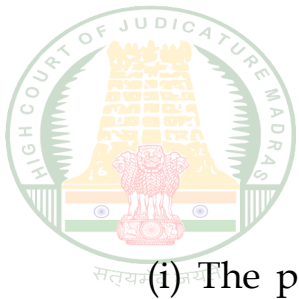
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(Criminal Side) appearing for the respondent-police, submits that the petitioner is the driver of the vehicle bearing Registration No.TN-58-Y-8462 and transported two units of river sand in the said vehicle on the instructions of its owner. He further submits that there are three previous cases pending against the petitioner, though they are not similar in nature. He also submits that the said vehicle and the sand have been seized by the respondent-police. Accordingly, he prays to dismiss this Criminal Original Petition.

6. Heard on both sides and perused the records.

7. The petitioner was arrested on 22.04.2025 and has been in judicial custody since then. In view of the offences allegedly committed by the petitioner, and considering the fact that the vehicle allegedly used by the petitioner to transport two units of river sand has been seized by the respondent-police, this Court is of the opinion that further custody of the petitioner is not necessary for the Investigating Agency in this case. Further, the petitioner has permanent residence and deep roots in the society, and hence, there is less possibility of absconding. Considering the same and also considering the period of incarceration 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:



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(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 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 petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate, Paramakudi;

(iv) The petitioner shall appear and sign before the respondent-police weekly twice (i.e., on Saturday and Sunday) at 10.00 a.m., until further orders;

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

(vi) 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;

(vii) 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



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evidence; and

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(viii) 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/-
30/04/2025

/ TRUE COPY /

02/05/2025
Sub-Assistant Registrar (PA-I)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG
To

1. The Judicial Magistrate,
Paramakudi.
2. Do-Through The Chief Judicial Magistrate,
Madurai District.
3. The Officer-in-Charge,
Sub Jail, Ramnad,
Ramanathapuram District.



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

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

+1 CC to M/s.R.L.DHILIPAN PANDIAN, Advocate (SR-5243[I] dated 30/04/2025)

ORDER
IN
CRL OP(MD) No.8142 of 2025
Date :30/04/2025

NBF/SAR/02.05.2025 6P/7C

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