



CRL OP(MD) No.8687 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/05/2025

PRESENT

THE HONOURABLE MR. JUSTICE K.RAJASEKAR

CRL OP(MD) No.8687 of 2025

Mohan

... Petitioner/Sole Accused

Vs

The State of Tamil Nadu,
rep. by Inspector of Police,
Thiruvaiyaru Police Station,
Thanjavur District.
Crime No.94 of 2025

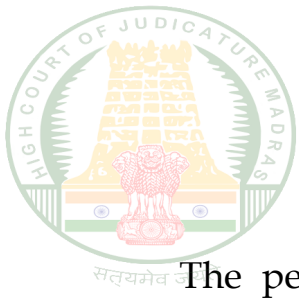
... Respondent/Complainant

For Petitioner : Mr.RL.Dhilipan Pandian

For Respondent : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

PRAYER : Criminal Original Petition filed under Section 483 of BNSS, 2023 praying to enlarge the petitioner on bail in Crime No.94 of 2025 on the file of the respondent-police.

ORDER : This Court made the following order:-



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The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 30.04.2025 for the offence punishable under Section 303(2) of BNS, r/w 21(1) of Mines and Minerals (Development and Regulations) Act, 1957, in Crime No.94 of 2025 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 30.04.2025, when the defacto complainant along with police officials were on patrolling duty, the petitioner was found in transportation of 4 bags of Kaveri river sand illegally using Honda CD-110 bearing No.TN 49 E2354, without valid permission and license. Thereafter, the defacto complainant seized the said vehicle and lodged the complaint before the respondent police. Hence, the case.

3. The learned counsel for the petitioner submits that the petitioner is the first offender and he has not involved any other case. However, he has been arrested and he is languishing in jail from 30.04.2025. Therefore, he prays for grant of bail.

4. The learned Additional Public Prosecutor appearing for the respondent reported that the petitioner is not having any previous case and he is in custody from 30.04.2025.



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5. Considering the facts and circumstances of the case and also considering the fact that the petitioner has no previous case, this Court is inclined to grant bail to the petitioner on certain conditions.

6. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Thiruvaiyaru, Thanjavur District;

(i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii) the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation;

(iii) the petitioner shall not tamper with evidence or witness;

iv) the petitioner shall not abscond during trial.



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v) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

sd/-
14/05/2025

/ TRUE COPY /

/05/2025
Sub-Assistant Registrar (C.S.-I/ II /III/ IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Rmk

To

1.The Judicial Magistrate, Thiruvaiyaru, Thanjavur District.

2. DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT @ KUMBAKONAM.

3.The Inspector of Police,
Thiruvaiyaru Police Station,
Thanjavur District.

4.The Officer Incharge,
District Prison, Thanjavur, Thanjavur District.



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

ORDER
IN
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Date :14/05/2025

VN/15.05.2025 5P/6C

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