



CRL OP(MD). No.9239 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/06/2025

PRESENT

The HONOURABLE MR. JUSTICE P. VADAMALAI

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Guna Alias Sivakumar,
S/o.Sekar,
No.1/27, East Street,
Kalliyadiyenthal,
Parmakudi (TK),
Ramanathapuram District.

...Petitioner/ Accused No.1

Vs

The State of Tamil Nadu,
Rep.by The Inspector of Police,
Paramakudi Taluk Police Station,
Ramanathapuram District.
(Crime No.28 of 2025)

... Respondent/Complainant

For Petitioner : M/s.K.Rajiv Gandhi
Advocate.

For Respondent : Mr.B.Thanga Aravindh
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- For Bail in Crime No.28 of 2025 on the file of the Respondent Police.



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ORDER: This Court made the following order :-

The petitioner / Accused No.1, who was arrested and remanded to judicial custody on 28.02.2025 for the offences punishable under Sections 303(2) of BNS 2023 and 21(1) of MMRD Act in Crime No.28 of 2025 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that On 25.02.2025 at 05.00p.m the respondent police and other officials have conducted a surprise check, at that time the petitioner and other accused persons were illegally transported 10 unit of river sand by using Tractor. Hence, the case.

3. The learned counsel for the petitioner would submit that due to previous enmity regarding the sand theft, he lodged a false complaint against the petitioner. Already the co-accused were granted anticipatory bail before this Court. The petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is in custody from 28.02.2025 nearly 104 days. Hence, he seeks bail.

4. The learned Government Advocate (Criminal Side) would submit that the petitioner and other accused were illegally transported 10 unit of river and without having any valid license or permit by using tractor. The alleged vehicle used for transportation of river sand is not yet recovered by the respondent police. The



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petitioner is having seven previous cases, all the cases are similar in nature. The 2nd and 3rd accused were granted anticipatory bail by this court and the 4th accused also granted bail by the Principal Sessions Judge, Ramanathapuram. However, he objected to grant bail to the petitioner.

5. Taking into consideration of the facts and circumstances of the case and also taking note of the fact that the other co-accused were granted anticipatory bail by this Court and the 4th accused was granted bail by the Principal Sessions Judge, Ramanathapuram and the petitioner/accused No.1 remanded into judicial custody on 28.02.2025, taking into consideration of the period of incarceration. This court is inclined to grant bail to the petitioner, subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) with two sureties, each for a like sum to the satisfaction of Judicial Magistrate Court, Paramakudi, Ramanathapuram District and on further conditions that :-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] The petitioner shall furnish his residential address and mobile number to the Judicial Magistrate Court, Paramakudi, Ramanathapuram District. If the



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petitioner changes his residential address, he shall report the same to the Judicial
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Magistrate Court, Paramakudi, Ramanathapuram District;

[c] the petitioner shall appear and sign before the respondent police daily at
10.30 a.m. until further orders.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during
investigation or trial.

[f] 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under
Section 269 BNS.

sd/-
04/06/2025

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04/06/2025

Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.



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- 1 THE JUDICIAL MAGISTRATE, PARAMAKUDI,
RAMANATHAPURAM DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE, PARAMAKUDI TALUK POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 4 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR MADURAI BENCH OF MADRAS
HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.9239 of 2025
Date :04/06/2025

NBF/04.06.2025 5P/6C

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