



CRL OP(MD).No.9126 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 28.05.2025

PRESENT

THE HONOURABLE MS. JUSTICE R.POORNIMA

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1.Sankar

2.Thavamuruganathan @ Thavamurugan

... Petitioners/ Accused Nos.1 and 2

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Kadaladi Police Station,
Ramanathapuram District.
Crime No.32 of 2025.

... Respondent/Complainant

For Petitioners : Mr.J.Mohamed Ibrahim

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.32 of 2025 on the file of the respondent police.



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ORDER: The Court made the following order :-

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The petitioners/A1 and A2, who were arrested and remanded to judicial custody on 02.05.2025 for the offences under Section 303(2) of BNS, 2023 and Section 21(1) of MMDR Act in Crime No.32 of 2025 on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 27.03.2025, during patrol, the respondent-Police found that the accused persons were illegally transporting half unit of river sand with the help of a JCB bearing Registration No.TN 38 AM 8077 and one Tractor without proper permission or licence.

3. The learned Counsel appearing for the petitioners submitted that the petitioners are innocent and they are not involved in any offences and they were wrongly implicated in this case.

4. The learned Additional Public Prosecutor appearing for the State submitted that first petitioner / A1 has three previous cases, out of which, two cases are similar in nature and the second petitioner / A2 has no previous case.

5. Taking into consideration of the fact that first petitioner / A1 is having previous cases of similar nature, this Court is not inclined to grant bail to the first petitioner / A1. Hence, this Criminal Original Petition is dismissed as against the first petitioner / A1.



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6. Taking into consideration of the fact that A2 has no bad antecedent and considering the period of incarceration, this Court is inclined to grant bail to the second petitioner / A2 subject to the following conditions.

7. Accordingly, the criminal original petition is ordered in respect of the second petitioner / A2 and the second petitioner / A2 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 the learned Judicial Magistrate, Kadaladi, 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 second petitioner shall report before the respondent police daily at 10.30 a.m for a period of 30 days and thereafter, as and when required for interrogation.

[c] the second petitioner shall appear before the trial Court during every hearing date without fail.

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



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[e] the second petitioner shall not abscond 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 second petitioner in accordance with law as if the conditions have been imposed and the second 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 2023.

8. In the result, this Criminal Original Petition is ordered in respect of the second petitioner / A2 alone and dismissed in respect of the first petitioner / A1.

sd/-
28/05/2025

/ TRUE COPY /

/05/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

mbi

TO

1 THE JUDICIAL MAGISTRATE,
KADALADI.



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2 THE CHIEF JUDICIAL MAGISTRATE
RAMANATHAPURAM DISTRICT.

3 THE OFFICER INCHARGE,
SUB JAIL, MUDUKALATHUR.

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

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

+1 CC to M/s.J.MOHAMED IBRAHIM, Advocate (SR-5790[I] dated 28/05/2025)

ORDER

IN

CRL OP(MD) No.9126 of 2025

Date :28/05/2025

MK/28.05.2025 5P/7C

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