



CRL OP(MD). No.9455 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/06/2025

PRESENT

THE HONOURABLE MS. JUSTICE R.N.MANJULA

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Sankar

... Petitioner/ Accused

Vs

State of Tamilnadu

Rep by the Inspector of Police,

Kadaladi Police Station,

Ramanathapuram District.

(Crime No. 32 of 2025).

... Respondent/ Complainant

For Petitioner : Mr.J.Mohamed Ibrahim,
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.32 of 2025 on the file of the respondent Police.

ORDER : The Court made the following order :-

<https://www.mhc.tn.gov.in/judis> The petitioner/ A1, who was arrested and remanded to judicial custody on



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02.05.2025 for the offences under sections 303(2) of BNS r/w. 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.32 of 2025 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and other accused have illegally transported $\frac{1}{2}$ unit of river sand in one Tractor by using JCB bearing registration No.TN-38-AM-8077 without any valid permission. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. He would further submit that the petitioner is in custody from 02.05.2025. He would further submit that this is second bail application and A2 was released on bail by this Court in CrI.O.P.(MD) No.9126 of 2025 dated 28.05.2025. Hence, he seeks bail.

4. The learned Government Advocate (CrI.Side) would submit that the petitioner and other accused have illegally transported one unit of river sand in one Tractor by using JCB bearing registration No.TN-38-AM-8077 without any valid permission and the petitioner has three previous cases, out of which two cases are similar in nature. Hence, he objected to grant bail to the petitioner. However, he fairly concedes that the property has been recovered.

5. Taking into consideration the facts and circumstances of the case and also the facts that property has been recovered and A2 was released on bail and also



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taking into consideration the period of incarceration and taking note of the fact the
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quantity of the seized river sand, this court is inclined to grant bail to the petitioner,
subject to the certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his 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 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 petitioners shall make a non refundable deposit of Rs.2,500/- (Rupees
Two Thousand and Five Hundred only) to the credit of the Chairman/District
Collector, District Mineral Foundation Trust of the concerned District, without
prejudice to their defence before the trial Court and produce the acknowledgment at
the time of executing bond;

[c] the petitioner shall report before the respondent police daily at 10.30 a.m.,
until further orders;

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



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[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 of BNS, 2023.

sd/-
06/06/2025

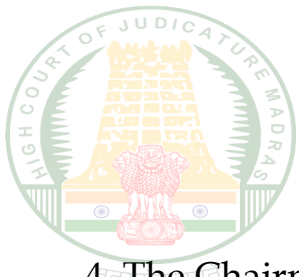
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/06/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

APD

TO

1. The Judicial Magistrate, Kadaladi.
2. Do-Through The Chief Judicial Magistrate,
Ramanathapuram District.
3. The Officer-in-Charge, The Sub Jail, Mudukulathur.



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4. The Chairman/District Collector,
District Mineral Foundation Trust, Ramanathapuram.

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

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

+1 CC to M/s.J.MOHAMED IBRAHIM, Advocate (SR-5984[I] dated 06/06/2025)

ORDER IN

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Date :06/06/2025

PP/06.06.2025 5P/8C

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