



CRL OP(MD). No.9715 of 2025

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

Date : 11.06.2025

PRESENT

The HONOURABLE MR.JUSTICE P.VADAMALAI

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Shajakhan,
S/o.Muniyan

...Petitioner / Sole Accused

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Valinokkam Police Station,
Ramanathapuram District.
(Crime No.30 of 2025)

... Respondent/ Complainant

For Petitioner : Mr.D.S.Haroon Rasheed,
Advocate.

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

PETITION FOR BAIL Under Sec.483 of BNSS, 2023.

PRAYER :- For Bail in Crime No.30 of 2025 on the file of the respondent police.



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ORDER: The Court made the following order :-

The petitioner / accused, who was arrested and remanded to judicial custody on 25.05.2025 for the offences under Sections 303(2) of the Bharatiya Nyaya Sanhita, 2023, and 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.30 of 2025 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant is the Village Administrative Officer (VAO) of Keelakidaram Group, Kadaladi Taluk, Ramanathapuram District. On 25.05.2025, at around 4:30 a.m., he received secret information regarding illegal sand theft. Acting on the information, he, along with police officials, proceeded to Keelakidaram Kanmai, where they found that the petitioner was illegally transporting $\frac{1}{2}$ unit of river sand using a tractor bearing Registration No.TN-58-R-4192, without possessing any valid permit. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He would further submit that a false case has been foisted against the petitioner. He would further submit that the petitioner is in custody from 25.05.2025. Hence, he seeks bail.



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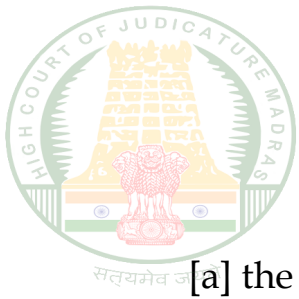
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4. The learned Government Advocate (Criminal Side) would submit that the petitioner was illegally transporting ½ unit of river sand using a tractor bearing Registration No.TN-58-R-4192, without possessing any valid permit. He would further submit that there are five previous cases against the petitioner in similar nature. He, however, would submit that the investigation in this case is still pending and that, at this stage, if bail is granted to the petitioner, he will abscond and tamper with the evidence. He, therefore, opposes the grant of bail to the petitioner.

5. This Court has heard the learned counsel on both sides and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and the nature of the offence allegedly committed by the petitioner and also taking into consideration the period of incarceration, this court is inclined to grant bail to the petitioner, however, subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on bail on his 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 learned Judicial Magistrate, Kadaladi and on further conditions that:-



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[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 learned Judicial Magistrate, Kadaladi. If the petitioner changes his residential address, he shall report the same to the learned Judicial Magistrate, Kadaladi.

[c] the petitioner shall make a non-refundable deposit of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Chairman / District Collector, District Mineral Foundation Trust of the concerned District and on such deposit being made, the learned Judicial Magistrate shall accept the sureties furnished by the petitioner.

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

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

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

[g] 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



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in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS, 2023.

8. In the result, this Criminal Original Petition is allowed subject to the conditions stated supra.

sd/-
11/06/2025

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/06/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1. The Judicial Magistrate,
Kadaladi.
2. Do-Through The Chief Judicial Magistrate,
Ramanathapuram District.
3. The Officer-in-Charge,
Sub-Jail,
Srivilliputhur.
4. The Inspector of Police,
Valinokkam Police Station,
Ramanathapuram District.



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

COPY TO:

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

ORDER

IN

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Date :11/06/2025

MK/11.06.2025 6P/7C

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