



CRL OP(MD).No.10574 of 2025

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

Date : 25/06/2025

PRESENT

THE HONOURABLE MR. JUSTICE P. VADAMALAI

CRL OP(MD).No.10574 of 2025

1. Gowthaman,
S/o.Rajesh

2. Kannan,
S/o.Varatharajan

...Petitioners/ Accused
Nos.2 & 3

Vs

The State of Tamilnadu
rep.by The Inspector of Police,
Kallaperambur Police Station,
Thanjavur District.
(Crime No.110 of 2025)

... Respondent/Complainant

For Petitioners : Mr.D.Rajaboopathy
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.110 of 2025 on the file of the Respondent Police.

ORDER : This Court made the following order :-



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The petitioners / Accused Nos.2&3, who were arrested and remanded to judicial custody on 10.06.2025 for the offences punishable under Sections 303(2) of BNS and 21(1) of Mines and Minerals (Development & Regulations) Act, 1957 in Crime No.110 of 2025 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 09.06.2025 at about 18.45 hours, while the respondent police on patrolling duty, the petitioners and other accused persons were illegally quarrying 1/4 unit of Vaari Sand and illegally transported the same in their TATA ACE vehicle without having any valid license or permit. Hence, the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offences as alleged by the prosecution. The petitioners are ready and willing to abide and conditions that may be imposed by this Court. He would further submit that the petitioners are in custody from 10.06.2025 nearly 15 days. Hence, he seeks bail.

4. The learned Government Advocate (Criminal Side) would submit that the petitioner and other accused persons were illegally quarrying 1/4 unit of Vaari Sand and illegally transported the same. The first petitioner is having five previous cases and the second petitioner is having one previous case. Hence, he strongly objected to grant bail to the petitioners.



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5. Taking into consideration of the facts and circumstances of the case and also taking note of the fact that the property involved in this case is minimum quantity, the petitioners/accused 2&3 remanded into judicial custody on 10.06.2025, taking into consideration of the period of incarceration, this court is inclined to grant bail to the petitioners, subject to the following conditions:

6. Accordingly, the petitioners are ordered to be released on bail on executing separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of Judicial Magistrate Court No.II, Thanjavur, Thanjavur 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 petitioners shall make a non-refundable deposit of Rs.2,000/- (Rupees Two Thousand only) each 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 petitioners shall furnish their residential address and contact numbers to the Judicial Magistrate Court No.II, Thanjavur, Thanjavur District.If the



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petitioners changes their residential address, he shall report the same to the Judicial
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Magistrate Court No.II, Thanjavur, Thanjavur District;

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

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

[f] the petitioners 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 petitioners 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].

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

sd/-
25/06/2025

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25/06/2025
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.



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- 1 THE JUDICIAL MAGISTRATE NO.II, THANJAVUR DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE,
KALLAPERAMBUR, KALLAPERUMBUR POLICE STATION, THANJAVUR DISTRICT.
- 4 THE OFFICER INCHARGE, DISTRICT PRISON, THANJAVUR.
- 5 THE CHAIRMAN/DISTRICT COLLECTOR, DISTRICT MINERAL FOUNDATION TRUST, THANJAVUR DISTRICT.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.10574 of 2025
Date :25/06/2025

NBF/25.06.2025 5P/7C

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