



CRL OP(MD).No.10791 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/06/2025

PRESENT

The HONOURABLE MR. JUSTICE P. VADAMALAI

CRL OP(MD).No.10791 of 2025

1. Vallinayagam (46/M)
S/o.Karuthappandian

2. Velmurugan (40/M)
S/o.Chithirai devar

..Petitioner/ Accused Nos.1 & 2

Vs

State of Tamil Nadu
Rep by the Inspector of Police,
Sivanthipatti Police Station,
Tirunelveli District.
(Crime No.293 of 2025)

.. Respondent/ Complainant

For Petitioners : Mr.V.M.Jegadeesha Pandian
Advocate.

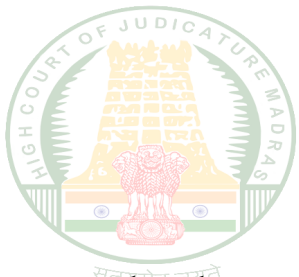
For Respondent : Mr.B.Thanga Aravindh
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- For Bail in Crime No.293 of 2025 on the file of the Respondent Police.

ORDER : This Court made the following order :-

The petitioners / Accused Nos.1 & 2, who were arrested and remanded to



CRL OP(MD).No.10791 of 2025

सत्यमेव जयते
WEB COPY

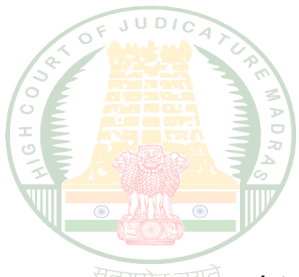
judicial custody on 16.06.2025 for the offences punishable under Sections 303(2) of BNS 2023(379 of IPC), in Crime No.293 of 2025 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners along with other accused persons had illegally taken 65 units of sand from the defacto complainant's land, without any proper permission. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioners are innocent persons and they have not committed any offences as alleged by the prosecution. He would further submit that the petitioners are ready and willing to abide and conditions that may be imposed by this Court. He further submits that the petitioners undertakes to deposit amount that may be imposed by this Court. He would further submit that the petitioners are in custody from 16.06.2025. Hence, he seek bail.

4. The learned Government Advocate (Criminal Side) would submit that the property has been recovered. He would further submit that there are three previous cases pending against the 1st petitioner/A1 and there is no previous case pending against the 2nd petitioner/A2. Hence, he objected to grant bail to the petitioners.

5. Taking into consideration of the facts and circumstances of the case and also taking note of the fact that there are three previous cases pending against the 1st



CRL OP(MD).No.10791 of 2025

सत्यमेव जयते
WEB COPY

petitioner/A1. Therefore, this Court is not inclined to grant bail to the 1st petitioner/A1. Hence, this Criminal Original Petition is dismissed in respect of the 1st petitioner. Furthermore, considering the fact that the property has been recovered and there is no previous case pending against the 2nd petitioner/A2 and the investigation has been completed. Further, considering the period of incarceration suffered by the 2nd petitioner, this court is inclined to grant bail to the 2nd petitioner, subject to the following conditions:

6. Accordingly, the 2nd 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 learned Judicial Magistrate Court-III, Tirunelveli 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 2nd petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate Court-III, Tirunelveli. If the 2nd petitioner changes his residential address, he shall report the same to the learned Judicial Magistrate Court-III, Tirunelveli;



CRL OP(MD).No.10791 of 2025

WEB COPY

[c] the 2nd petitioner shall appear and sign before the respondent police daily at 10.30 a.m.until further orders.

[d] the 2nd petitioner shall not abscond either during investigation or trial.

[e] the 2nd 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 2nd petitioner in accordance with law as if the conditions have been imposed and the 2nd 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.



CRL OP(MD).No.10791 of 2025

WEB COPY

7. Accordingly, this Criminal Original Petition is dismissed in respect of the 1st petitioner and this Criminal Original Petition is allowed in respect of the 2nd petitioner.

sd/-
27/06/2025

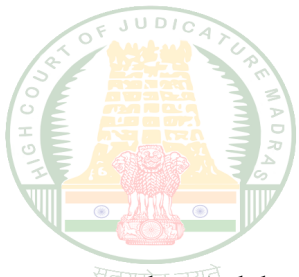
/ TRUE COPY /

27/06/2025
Sub-Assistant Registrar (A.E)
Madurai Bench of Madras High Court,
Madurai - 625 023.

msrm

To

1. The Judicial Magistrate Court-III,
Tirunelveli.
2. Do through the Chief Judicial Magistrate,
Tirunelveli.
3. The Superintendent,
Central Prison,
Palayamkottai.
4. The Inspector of Police,
Sivanthipatti Police Station,
Tirunelveli District.



CRL OP(MD).No.10791 of 2025

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

ORDER
IN
CRL OP(MD) No.10791 of 2025
27.06.2025

SL(27.06.2025)/6P/ 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.