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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23-10-2026

CORAM

THE HON'BLE DR. JUSTICE P. MURUGAN

CRL OP(MD) No. 24201 of 2026

CNR:{HCMD011530002026}

Kathiresan

..Petitioner

Vs

The State of Tamilnadu Rep. by
The Inspector of Police,
Bazaar Police Station,
Ramanathapuram District
(Crime No. 392 of 2026)

..Respondent

PRAYER: Criminal Original Petition is filed under Section 483 of BNSS, 2023, to enlarge the Petitioner on bail in connection with the Crime No. 392 of 2026 on the file of the Inspector of Police, Bazaar Police Station, Ramanathapuram District.

For Petitioner : Mr.R.L.Dilipan Pandian for
Mr.K. Durai Pandian

For Respondent : Mr.N.Balasubramaniyan
Government Advocate (Crl.Side)

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ORDER

The petitioner / 2nd accused, who was arrested and remanded to judicial custody on 11.10.2026 for the offences punishable under Section 303(2) of BNS Act r/w Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.392 of 2026, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused had illegally transported 4 unit of river sand. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. In this case, co-accused have already been enlarged on Anticipatory bail. However, he would further submit that the petitioner, without prejudice to his rights, is ready to deposit the amount that may be imposed by this Court.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner along with 2 other accused had transported 4 unit of river sand illegally. He would further submit that the petitioner has no previous criminal antecedents and is not involved in any other cases of similar nature.

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5. Considering the above and also the nature of the charges leveled against the petitioner, this Court is inclined to grant bail to the petitioner with 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 the learned Judicial Magistrate No.I, Ramanathapuram District, and on further condition that:

[a]the petitioner shall deposit a sum of **Rs.30,000/- (Rupees Thirty Thousand only)** to the credit of the District Mineral Foundation Trust, Ramanathapuram District, which is **non refundable,** without prejudice to his rights and contentions before the trial Court. The petitioner shall execute the sureties on showing the receipt of the said amount;

[b]the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

[c] On execution of the surety, the accused is directed to appear before the **Judicial Magistrate No.I, Ramanathapuram District**, for a period of 15 working days at 10.30 am. Thereafter, the accused shall appear before the said Court on every Wednesday at 10.30 am for a period of 10 weeks;

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[d]In the event that the accused is unable to appear before the said Court, the counsel for the accused may file accused absence petition on behalf of the accused under Section 355 of BNSS and the same may be considered by the Court;

[e] In the event that neither the accused appear nor his counsel file any such accused absent petition, the Court has to issue a Non Bailable Warrant against the accused and secure him and commit him to custody**;**

[f] If the accused thereafter absconds, a fresh FIR shall be registered under Section 269 BNS, 2023;

[g]If the investigating agency requires the presence of the accused, after the execution of the bail bond, the Investigating Officer has to issue a summons to the accused for interrogation. However, the interrogation should not amount to harassment of the accused. The issuance of the summons to the accused and the interrogation of the accused should be reflected in the CD file as well as in the General Diary. The said exercise shall be done by the Investigating Officer at once or twice during the daytime. Once the purpose of the interrogation is over, the accused shall be sent out from the police station without any further delay;

[h] On compliance of the above conditions for appearance of the accused all the conditions referred above shall stand relaxed;

[i]the petitioner shall not tamper with the evidence or witness either during investigation or trial;

[j] the petitioner shall not abscond either during investigation or trial;

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[k] 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 is 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].**

23-10-2026

PNM/KU

To

1. The Judicial Magistrate No.I, Ramanathapuram District.

2. The Superintendent, District Jail**,** Ramanathapuram.

3. The Inspector of Police, Bazaar Police Station,
   Ramanathapuram District.

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

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DR. P. MURUGAN, J.
PNM/KU

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