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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04-11-2026

CORAM

THE HON'BLE MR. JUSTICE K.MURALI SHANKAR

CRL OP(MD) No. 25136 of 2026

CNR:{HCMD011576592026}

Gopinath

..Petitioner/
Accused No.1

Vs

State Of Tamilnadu Rep By
The Inspector Of Police,
Thanjavur Taluk Police Station,
Thanjavur District.
(Crime No. 335 of 2025)

..Respondent/
Complainant

PETITION FOR BAIL Under Section 483 BNSS.

Prayer : For Bail in Crime No.335 of 2025 on the file of the Respondent Police.

For Petitioner(s) :Mr.D.Rameshkumar,
Advocate

For Respondent(s) :Mr.C.Susikumar,
Government Advocate (Crl. Side)

ORDER

The petitioner / first accused, who was arrested and remanded to judicial custody on 11.10.2026 for the offences punishable under Section 303(2) BNS r/w Section 21(1) of Tamil Nadu Mines and Minerals

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(Development and Regulation) Act, 1957, in Crime No.335 of 2025, 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 ½ unit of river sand. Hence, the complaint.

3. The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that in the present case, the petitioner was earlier granted bail by the Principal Sessions Judge, Thanjavur, in Crl.M.P.No.2915 of 2025, dated 04.06.2025, subject to certain conditions, including the condition to deposit a sum of Rs.2,000/-, not to misuse the liberty granted to him by indulging in any further offence and not to leave the station, State or country without obtaining prior permission from the Court, that since the petitioner violated the bail conditions by involving himself in another offence, at the instance of the respondent police, his bail came to be cancelled by the Judicial Magistrate No.II, Thanjavur, in Crl.M.P.No.567 of 2026, dated 09.10.2026 and that subsequently, the petitioner was arrested on 11.10.2026. He would further submit that the petitioner is having 11 previous cases, in which, 4 cases were already disposed of, 3 cases were

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referred and 4 cases are pending including 2 cases under the NDPS Act.

4. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution and that the petitioner is in judicial custody from 11.10.2026. 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.

5. Considering the nature of the charges levelled against the petitioner and taking note of the fact that the petitioner is ready and willing to deposit the amount that may be imposed by this Court and also the facts that the petitioner is in judicial custody from 11.10.2026 and that the petitioner is not having any previous cases for similar offence, 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.25,000/-(Rupees Twenty Five Thousand only)** with two sureties each for a like sum to the satisfaction of the Judicial Magistrate No.II, Thanjavur, and on further condition that:

(a) the sureties shall affix their photographs and Left Thumb

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Impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b) the petitioner shall deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only)** as non-refundable deposit to the credit of the District Mineral Foundation Trust, Thanjavur District, 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;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of thirty (30) days and thereafter as and when required for interrogation;

(d) the petitioner shall not tamper with the evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond 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 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**

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[(2005)AIR SCW 5560];

(g) If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS, 2023.

04-11-2026

CSM

To

1. The Judicial Magistrate No.II, Thanjavur.
2. Do through the Chief Judicial Magistrate, Thanjavur.
3. The Officer-in-Charge, Sub Jail, Thanjavur.
4. The District Mineral Foundation Trust, Thanjavur District.
5. The Inspector Of Police, Thanjavur Taluk Police Station, Thanjavur District.
6. The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

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K.MURALI SHANKAR, J.
CSM

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