

(2025) 11 MAD CK 2021

In the Madras High Court

Case No : Criminal Original Petition No. 32383 Of 2025

Karthick

APPELLANT

Vs

State

RESPONDENT

Date of Decision : 26-11-2025

Acts Referred:

Bharatiya Nyaya Sanhita, 2023 — Section 269, 303(2), 326(a)

Citation : (2025) 11 MAD CK 2021

Hon'ble Judges : K.Rajasekar, J

Bench : Single Bench

Advocate : E.Kannadasan, A.Gopinath

Judgement

K. Rajasekar, J

1. The petitioner, who was arrested and remanded to judicial custody on 05.11.2025, for the alleged offence punishable under Sections 303(2), 326(a) of BNS, 2023 in Crime No.360 of 2025, on the file of the respondent police, seeks bail.

2. The allegation against the petitioner is that the petitioner joined hands with other accused illegally quarried three units of river sand from the vicinity of the Setteeri Dam in a Tipper lorry, without possessing any valid permit. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner was arrested and he is in judicial custody from 05.11.2025 and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and submitted that there are two accused in this case and the petitioner is ranked as A2. He further submitted that the property

was recovered and that the petitioner has no previous case pending against him. However, he opposes to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the submissions made by the learned counsel on either side, the fact that the property was recovered, the period of incarceration undergone by the petitioner and the petitioner has no previous case against him, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only) with two sureties, for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Tirupattur, 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 petitioner shall report before the respondent police daily at 10.30 a.m., for a period of three weeks and thereafter as and when required for interrogation.

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

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

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

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.