

**(2025) 12 MAD CK 1964**

**In the Madras High Court**

**Case No : Criminal Original Petition No. 34115 Of 2025**

Yesudas

APPELLANT

Vs

State

RESPONDENT

**Date of Decision : 12-12-2025**

**Acts Referred:**

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

**Citation : (2025) 12 MAD CK 1964**

**Hon'ble Judges : K.Rajasekar, J**

**Bench : Single Bench**

**Advocate : E.Kannadasan, L.Baskaran**

## Judgement

K.Rajasekar, J

1. The petitioner, who was arrested and remanded to judicial custody on 21.11.2025 for the alleged offence punishable under Section 303(2) and 326(a) of BNS, 2023 in Crime No.381 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 sand from A1's land. Hence, the petitioner was arrested and is in judicial custody from 21.11.2025.

3. Learned counsel appearing for the petitioner submitted that the sand was taken from A1, who is a private party, for the purpose of leveling the land; it is not an illegal quarrying. Hence, he prayed to grant bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent reiterated the prosecution case and submitted that the petitioner is also having bad antecedents of one previous case and that the investigation is pending. Hence, he opposed to grant bail to the petitioner.

5. Considering the submissions made by the learned counsel on either side, and the fact that the petitioner is in judicial custody from 21.11.2025 and that,

though it is stated that there was one previous case pending 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.20,000/- (Rupees Twenty Thousand only) with two sureties, for a like sum to the satisfaction of the learned Judicial Magistrate-I, Tirupathur, 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 four 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.