



CRL OP(MD). No.11673 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/07/2024

PRESENT

THE HON`BLE MR.JUSTICE B.PUGALENDHI

CRL OP(MD). No.11673 of 2024

Parasuram @ Selvam,

... Petitioner/ A1

Vs

**The Sub Inspector of Police,
Saptur Police Station,
Madurai District.
Cr.No.96 of 2024.**

... Respondent/ Complainant

For Petitioner : Mrs.V.Muthukamatchi, Advocate.

**For Respondent : Mr.M.Sakthi Kumar,
Government Advocate (Crl.Side)**

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.96/2024 on the file of the respondent



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ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 379 IPC r/w 4(1) (A) and 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.96 of 2024 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner has illegally transported ½ unit of Oodai sand in a Tractor. Hence, the case.

3.The learned counsel appearing for the petitioner submits that the earlier application filed by the petitioner was dismissed considering the antecedents of the petitioner. He further submits that the petitioner is a HIV patient and he has also produced a certificate to that effect. He further submits that the petitioner is prepared to file an affidavit before the respondent police that he will not indulge in any offence in future.

4.Considering the petitioner's ailment and his inclination to file an affidavit before the respondent police that he will not indulge in any offence in future, this Court is inclined to grant anticipatory bail to the petitioner.

5.Accordingly, this criminal original petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the



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District Munsif cum Judicial Magistrate Court, Peraiyur, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties each for a like sum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Peraiyur and on further conditions that:

- i. The petitioner and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the Government in proof of their residence address;
- ii. The petitioner shall file an affidavit before the respondent police that he will not indulge in any offence in future.
- iii. The petitioner shall appear before the respondent police as and when required.
- iv. The petitioner shall not misuse the liberty granted to him by indulging in any further offence and shall not tamper with the prosecution witnesses. The petitioner shall be available for the trial as well.
- v. On violation of any of the above conditions by the petitioner, the respondent police shall move an application for cancellation of the anticipatory bail.

6. It is needless to say that any tool or instrument or vehicle used for

illegal quarrying / transportation of sand is liable to be seized under Section 21(4) of

<https://www.mhc.tn.gov.in/judis>



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the Mines and Minerals(Development & Regulation) Act, 1957 and any vehicle or instrument or tool which has been seized under Section 21(4) of the Mines and Minerals (Development & Regulation) Act, 1957, is liable to be confiscated.

sd/-
26/07/2024

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/ 08 / 2024

Sub-Assistant Registrar (C.S.I/II/III/IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

VRN

TO

1. THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE COURT,
PERAIYUR.

2. DO-THROUGH,
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3. THE SUB INSPECTOR OF POLICE
SAPTUR POLICE STATION, MADURAI DISTRICT.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.V.MUTHUKAMATCHI, Advocate (SR-8744[I] dated 26/07/2024)



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ORDER
IN
CRL OP(MD) No.11673 of 2024
Date :26/07/2024

PSP/JGB/SAR /08.08.2024/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified
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