



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07.11.2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD). No.19180 of 2024

Thirumalai

... Petitioner / Accused No.2

Vs

The State of Tamil Nadu
Represented by the Inspector of Police,
Devakottai Taluk Police Station,
Sivagangai District.
(Crime No.112 of 2024)

... Respondent/Complainant

For Petitioner : M/s.Veerakumar.T,

Advocate

For Respondent : Mr.Thanga Aravind.B,

Government Advocate

(Criminal Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS Act.

PRAYER :-

For Anticipatory Bail in Crime No.112/2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police



for the alleged offences under Sections 379 of IPC r/w. Section 21(4) of Mines and Minerals (Development Regulation) Act, 1957, in Crime No.112 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioners have illegally transported 3 units of river sand in their vehicles. Hence, the case.

3. Heard the learned counsel on either side and perused the material records of the case.

4. The learned counsel for the petitioner submitted that the petitioner was the previous owner of the vehicle and he had already sold the vehicle in favour of A6/Rajendra Prasath.

5. The learned Government Advocate (Criminal Side) submitted that the alleged vehicles had been seized by the respondent police and already 3 of the accused persons in this case were granted anticipatory bail in CrI.O.P.(MD). No. 6267 of 2024 by order dated 24.04.2024.

6. Considering the facts and circumstances of the case and the quantity of the mineral involved, this court is inclined to grant anticipatory bail to the petitioner with certain conditions:

7. Accordingly, 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 on which the order copy made ready, before the learned Judicial Magistrate Court,



Devakottai, Sivagangai District, on condition that the petitioner shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] 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 Aadhar card or Bank Pass Book to ensure their identity.

[b] the petitioner shall appear before the respondent police as and when required for interrogation.

[d] the petitioner shall not tamper with 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 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].



[g] If the accused thereafter absconds, a fresh FIR can be registered under

Section 229A IPC.

sd/-
07/11/2024

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/ /2024

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1 THE JUDICIAL MAGISTRATE
DEVAKOTTAI, SIVAGANGAI DISTRICT.

2 DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI.

3 THE INSPECTOR OF POLICE
DEVAKOTTAI TALUK POLICE STATION,
SIVAGANGAI DISTRICT.

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

+1 CC to M/s.T.VEERAKUMAR, Advocate (SR-13677[I] dated 07/11/2024)

CRL OP(MD) No.19180 of 2024

Date :07/11/2024

BV (14/11/2024) 4P/ 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.