



CRL OP(MD). No.19883 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 18.11.2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

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1.R.Viknesh @ Vicky  
2.A.Sekar  
3.C.Vellaipandi

... Petitioners/ Accused 1 to 3

Vs

The Sub Inspector of Police,  
M.Kallupatti Police Station,  
Madurai.  
(Crime No.126 of 2024)

... Respondent/Complainant

For Petitioners : Mr.B.Satheshkumar, Advocate  
For Respondent : Mr.B.Thanga Aravindh,  
Government Advocate (Criminal Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.126/2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Section 303(2) of BNS r/w. Section 21(V) of the Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.126 of 2024 on the file



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of the respondent police, seek anticipatory bail.

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2. The case of the prosecution is that the accused persons were found in possession of 1 unit of odai sand. There are 4 accused persons in this case and the petitioners are A1 to A3.

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

4. The learned Government Advocate (Criminal Side), on instructions, submitted that there are 2 previous cases against the 1<sup>st</sup> petitioner, one previous case against the 2<sup>nd</sup> petitioner and no previous cases against the 3<sup>rd</sup> petitioner.

5. Taking into consideration the facts and circumstances of the case and the antecedents of the petitioners and considering the fact that the entire minerals have been seized, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate Court-II, Usilampatti, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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



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the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners 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 petitioners are directed to deposit a sum of Rs.3,500/- (Rupees Three Thousand and Five Hundred only) to the credit of Madras High Court Madurai Bench, Advocate Clerk's Welfare Association, Madurai-625 023 (Indian Bank Saving Account No.496039124, IFSC Code: IDIB000H040), without prejudice to their rights and contentions before the trial Court. Only upon deposit, the learned Magistrate shall accept the sureties;

[c] the petitioners shall appear before the respondent Police as and when required for interrogation.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners 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 petitioners released on bail by the



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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 269 of BNS, 2023.

sd/-  
18/11/2024

/ TRUE COPY /

/11/2024  
Sub-Assistant Registrar (C.S. I / II / III / IV )  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

pal  
TO

1 THE JUDICIAL MAGISTRATE NO.II,  
USILAMPATTI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
MADURAI DISTRICT.

3 THE SUB INSPECTOR OF POLICE,  
M.KALLUPATTI POLICE STATION,  
MADURAI.

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

COPY TO

THE OFFICER INCHARGE,  
ADVOCATE CLERKS WELFARE ASSOCIATION,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

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



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+1 CC to M/s.R.SELVAM, Advocate ( SR-14192[I] dated 19/11/2024 )

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ORDER

IN

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Date :18/11/2024

RS//SAR-(23.11.2024) 5P 7C

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