



CRL OP(MD). No.21027 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 02/12/2024

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

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1. Durai Raj ... 1st Petitioner/1st Accused
2. Karuppan
3. Kumaran ... 2nd & 3rd Petitioners/ Accused rank not known
Vs

The State of Tamilnadu,
Rep by the Inspector of Police,
Thogamalai Police Station,
Karur District.

Crime No.472 of 2024..

... Respondent/Complainant

For Petitioners : Mr.S. Vinayak

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.472 of 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 Sections 303(2) of BNS and 21(1) of Mines and



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Minerals (Development Regulation) Act, 1957, in Crime No.472 of 2024 on the file of the respondent police, seek anticipatory bail.

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2. The case of the prosecution is that the petitioners had illegally transported 3 units of gravel sand in a Lorry. Hence, the case.

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 the vehicle and the sand has also been seized by the respondent Police. He further submitted that there are no previous cases pending against the petitioners.

5. Taking into consideration the facts and circumstances of the case and also of the fact that the vehicle and the sand have already been seized by the respondent Police and also considering the quantity of minerals involved and that there are no previous cases against the petitioners, this court is inclined to grant anticipatory bail to the petitioners with certain conditions:

6. Accordingly, this criminal original petition is ordered and 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 No.I, Kulithalai, Karur**



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District on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, 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 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.1,000/- (Rupees One Thousand only) each to the credit of the M/s. Tirunelveli Advocates Clerks Association, Indian Overseas Bank, Branch: District Court, Tirunelveli (Account No:- 176601000003648, IFSC Code:-IOBA0001766, without prejudice to his rights and contentions before the trial Court. Only upon deposit, the learned Magistrate shall accept the sureties;

[c] the petitioners shall report 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.



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[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 269 of BNS Act.*

sd/-
02/12/2024

(*)CORRECTED AS PER THE ORDER OF THIS HON'BLE COURT in CRL OP(MD)No.21027 of 2024 dated 10/12/2024.

FURTHER TIME GRANTED BY THIS COURT IS EXTENDED FOR A PERIOD OF ONE WEEK FROM TODAY(10.12.2024) TO COMPLY THE ORDER OF THIS COURT in CRL OP(MD)No.21027 OF 2024, DATED 02.12.2024.

/ TRUE COPY /

11/12/2024

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

PNM
TO
TO BE SUBSTITUTED WITH THE ORDER DATED 02/12/2024.

1 THE JUDICIAL MAGISTRATE NO.I, KULITHALAI,
KARUR DISTRICT.



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2 DO-THROUGH :

THE CHIEF JUDICIAL MAGISTRATE, KARUR DISTRICT.

3 THE INSPECTOR OF POLICE,
THOGAMALAI POLICE STATION,
KARUR DISTRICT.

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

Copy to:

THE OFFICER INCHARGE,
TIRUNELVELI ADVOCATES CLERKS ASSOCIATION,
TIRUNELVELI.

+ 1 CC TO Mr.S.VINAYAK, ADVOCATE IN SR No.15207(I) DATED 10/12/2024

ORDER
IN

CRL OP(MD) No.21027 of 2024

Date :02/12/2024

SS/SAR- /11/12/2024/ 5P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023