



CRL OP(MD). No.21147 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/12/2024

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

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M.Gandhi Selwyn

... Petitioner/ Accused (Rank Not Known)

Vs

The Inspector of Police,
Pavoorchatram Police Station,
Tenkasi District.
(Crime No. 414 of 2024)

... Respondent/Complainant

For Petitioner : Mr.Anand, Advocate

For Respondent : Mr.S.Ravi, Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.414 of 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 303(2) of BNS, 62 of BNS and Sections 4(1), 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 @ 303(2), 62 of BNS and Sections 4(1), 21(1) of Mines and Minerals (Development and Regulation) Act,



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1957 and Section 3, 4(a) of Indian Explosives Substances Act, in Crime No.414 of 2024, on the file of the respondent police, seeks anticipatory bail.

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2. The case of the prosecution is that based on secret information, an inspection was made on 18.11.2024 at about 7.30 a.m. and it was found that the petitioner, with the help of a compressor attached with a tractor, was drilling the rock and this was done with the aid of other accused persons. Thus, the accused persons were damaging the rock and were also stealthily removing the minerals unauthorizedly. There are totally 4 accused persons in this case and the petitioner has been arrayed as A3.

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

4. The learned Government Advocate (Criminal Saide), on instructions, submitted that there are three previous cases against the petitioner.

5. Taking into consideration the facts and circumstances of the case and also considering the quantity of minerals involved and the co-accused/A1 was already enlarged on bail in Crl.O.P(MD) No.20952 of 2024, dated 02.12.2024, this court is inclined to grant anticipatory bail to the petitioner with certain conditions:

6. 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



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the order copy made ready, before the learned Judicial Magistrate, Tenkasi, 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 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 report before the respondent police on every Friday at 05.30 p.m. for a period of 6 weeks and thereafter, as and when required.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond 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].



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

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Section 269 of BNS, 2023.

sd/-

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/12/2024

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

PNM

TO

1 THE JUDICIAL MAGISTRATE, TENKASI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE, PAVOORCHATRAM POLICE STATION,
TENKASI DISTRICT.

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

+1 CC to M/s.R.ANAND, Advocate (SR-14849[I] dated 03/12/2024)

ORDER IN

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Date :03/12/2024

RS/VR/SAR-(10.12.2024) 4P 6C

Madurai Bench of Madras High Court is issuing
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