



CRL OP(MD). No.21230 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04.12.2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

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1.Nagendran

2.Vijay

... Petitioners/ Accused 1 & 3

Vs

The State of Tamil Nadu
Represented by the Inspector of Police,
R.S.Mangalam Police Station,
Ramanathapuram District.
(Crime No.307 of 2024)

... Respondent / Complainant

For Petitioners : Mr.R.Vinoth,
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.307 of 2024 on the file of the respondent police.



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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 Section 21(4) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.307 of 2024 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the accused persons had illegally transported 4 units of river sand through tipper lorry. Hence, the case.

3. The learned Government Advocate (Criminal Side), on instructions, submitted that the petitioners have been arrayed as A1 and A3. A1 has 1 previous case of similar nature and A3 has 7 previous cases, out of which, 1 case is similar in nature and other cases are IPC offences.

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

5. Taking into consideration the facts and circumstances of the case and also



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considering the quantity of minerals involved, this court is inclined to grant anticipatory bail to the petitioners with certain conditions:

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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, Thiruvadanai, Ramanathapuram District, 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 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.30,000/- (Rupees Thirty Thousand only) to the credit of the M/s. Tirunelveli Advocates Clerks Association, Indian Overseas Bank, Branch:District Court, Tirunelveli (Account No:-



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176601000003648, IFSC Code:-IOBA0001766, 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 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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[g] If the accused thereafter absconds, a fresh FIR can be registered under
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.

PAL

TO

- 1 THE JUDICIAL MAGISTRATE,
THIRUVADANAI, RAMANATHAPURAM DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE,
R.S.MANGALAM POLICE STATION, RAMANATHAPURAM 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 M/s.R.VINOTH, Advocate (SR-15046[I] dated 06/12/2024)



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ORDER
IN
CRL OP(MD) No.21230 of 2024
Date :04/12/2024

SS/SKN/SAR- /16/12/2024/ 6P/7C

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