



CRL OP(MD). No.21394 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/12/2024

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL OP(MD). No.21394 of 2024

Kumaresan

... Petitioner/ Accused No.1

Vs

The Inspector of Police,
Musiri Police Station,
Trichy District.
(Cr. No. 58/2024)

... Respondent/Complainant

For Petitioner : Mr.A.Thiyagarajan, Advocate
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.58 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 379 IPC and Section 21(1) of Mines and Minerals (Development Regulation) Act, 1957, in Crime No. 58 of 2024 on the file of the



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respondent police, seeks anticipatory bail.

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2. The case of the prosecution is that the petitioner had illegally transported 1½ unit of river 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 Saide), on instructions, submitted that there are no previous cases against the petitioner.

5. Taking into consideration the facts and circumstances of the case and also considering the quantity of minerals involved, 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 the order copy made ready, before the learned Judicial Magistrate, Musiri, 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



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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 is directed to deposit a sum of Rs.11,250/- (Rupees Eleven Thousand Two Hundred and Fifty only) 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 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].



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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.

PNM

TO

- 1 THE JUDICIAL MAGISTRATE, MUSIRI.
- 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE, MUSIRI POLICE STATION, TRICHY DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE OFFICER INCHARGE, TIRUNELVELI ADVOCATES CLERKS ASSOCIATION,
DISTRICT COURT CAMPUS, TIRUNELVELI.

ORDER IN
CRL OP(MD) No.21394 of 2024
Date :06/12/2024

RS/SKN/SAR-(16.12.2024) 4P 6C
Madurai Bench of Madras High Court is issuing
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