



CRL OP(MD). No.23056 of 2024

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

Date : 27/12/2024

PRESENT

The HONOURABLE MR. JUSTICE P. DHANABAL

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1. Sathish Alias Sathish Kumar
2. Moorthy
3. Saravanan
4. Suresh

... Petitioners/ Accused No.1 to 4

Vs

The State of Tamilnadu Rep.,
By, the Inspector of Police
Maruvur
Police Station,
Thanjavur District
(Crime No. 262 of 2024).

... Respondent/Complainant

For Petitioners : M/s. Dhilipan Pandian.R.L.,

For Respondent : M.Vaikkam Karunanithi
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No. 262 of 2024 on the file of the respondent police.



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ORDER : The Court made the following order :-

The petitioners/Accused 1 to 4, who apprehend arrest at the hands of the respondent for the offences punishable under section 303(2) of BNS Act r/w 21(1) of Mines and Minerals (Development and Regulations) Act, 1957 in Crime No.262 of 2024 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners illegally transported 1 unit of river sand in Lorry Bearing Number TN-9406211 without valid permission and license. Hence, the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they were falsely implicated in this case. They have not committed any offence as alleged by the prosecution. Only for the statistical purpose, the petitioners have been falsely implicated in this case.

4. The learned Government Advocate (Crl. Side) submits that the petitioners illegally transported 1 unit of river sand and so far as the first and third accused are concerned, they have no previous case and so far as the second and fourth accused are concerned, they are having one previous case but the said case is not similar in nature. However, he strongly objected for grant of anticipatory bail to the petitioners.



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5. Heard both sides and perused the materials available on record.

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6. Considering the rival submissions on either side, considering the nature of offences charged against the petitioners, considering the fact though the second and fourth accused are having one previous case, the same is not in similar nature, considering the fact that no previous case is pending against the first and third accused, I am inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

[a] Accordingly, the petitioners are ordered to be released on anticipatory bail on condition to 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 Judicial Magistrate Court, Thiruvaiyaru, Thanjavur District and on further conditions that:

[b] the petitioners shall report before the respondent police on all Saturdays at 10.30 a.m for a period of four weeks and thereafter as and when required for interrogation.

[c] the petitioners shall not commit any offences of similar nature.

[d] the petitioners shall not abscond either during investigation or trial.

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

[f] On breach of any of the aforesaid conditions, the learned Judicial



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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 B.N.S.

sd/-
27/12/2024

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/01/2025
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

MKN/CM

To

- 1.The Judicial Magistrate,
Thiruvaiyaru, Thanjavur District.
- 2.Do through the Chief Judicial Magistrate,
Thanjavur District at Kumbakonam.
- 3.The Inspector of Police,
Maruvur Police Station,
Thanjavur District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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+1 CC to M/s.R.L.DHILIPAN PANDIAN, Advocate (SR-15954[I] dated 31/12/2024)

ORDER
IN
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Date :27/12/2024

ED/ SKN /SAR- (02/01/2025) 5P / 6 C

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