



CRL OP(MD). No.23139 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.Sivaneshan,

2.Ilayaraja,

... Petitioners/ A1 & A2

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Vadipatti Police Station,
Madurai District
Crime No.370/2024.

... Respondent/Complainant

For Petitioners : Mr.M.Pitchai Muthu,
Advocate.

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.370/2024 on the file of the respondent Police.



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ORDER: The Court made the following order :-

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The petitioners/ A1 & A2, who apprehend arrest at the hands of the respondent for the offences punishable under sections 303(2) and 132 of BNS, 2023 read with Section 21(4) of Mines and Minerals (Development & Regulation) Act, 1957 in Crime No.370 of 2024 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 21.12.2024, the respondent police had intercepted a lorry bearing Registration No.TN-41-D-9699. When the said vehicle was searched, it was found that the accused had illegally transported 3 units of red soil without any permission or license. Hence, the case.

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

4. The learned Government Advocate (Crl. Side) would submit that the petitioners had illegally transported three units of red soil, and there are totally three previous cases as against the petitioners, out of which, two previous cases are



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petitioners.

similar in nature. Hence, he strongly opposed to grant anticipatory bail to the

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

6. Considering the representations made by the learned counsel on either side, and considering the nature of offences charged against the petitioners, the quantity of material involved in this case, though there are previous cases pending against the petitioners, all the cases are not similar in nature and in all cases bail was granted to them, 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) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Vadipatti, Madurai District.

[b] the petitioners shall report before the respondent Police daily at 10.00 A.M. for a period of thirty days and thereafter, as and when required for the interrogation.



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[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 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

/ TRUE COPY /

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



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CM/MKN

TO

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

ORDER
IN

CRL OP(MD) No.23139 of 2024

Date :27/12/2024

SS/SKN/SAR- /02/01/2025/ 5P/5C

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