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CRL O.P. No.5032 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.02.2025

CORAM:

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL O.P. No.5032 of 2025

M. Muthu S/o. Maniyaran

... Petitioner / Accused-1

Vs

State rep. by:-

The Inspector Of Police,
Jalakandapuram Police Station,
Salem District.
[Cr. No.33 of 2025]

... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 482 of B.N.S.S., praying to grant anticipatory bail to the petitioner / Accused in Crime No.33 of 2025 on the file of the respondent police.

For Petitioner : Mr.Saravanan.A.

For Respondent : Mr. Leonard Arul Joseph Selvam,
Government Advocate
[Criminal side]

ORDER

The petitioner / Accused, who apprehends arrest at the hands of the



CRL O.P. No.5032 of 2025

respondent police for the offence punishable under Section 303(2) of B.N.S. read with Section 21(1) of Mines and Minerals (Development and Regulation) Act in connection with the case in Crime No.33 of 2025, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner had illegally transported 3 units of red soil in a vehicle.

3. Learned counsel for the petitioner would contend that the petitioner is innocent and that he has been falsely implicated in this case and hence prayed to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side), on instructions, while opposing the grant of anticipatory bail to the petitioner, reiterated the prosecution case and on instructions, submitted that the petitioner has no bad antecedents.

5. Heard the learned counsel for the petitioner and the learned



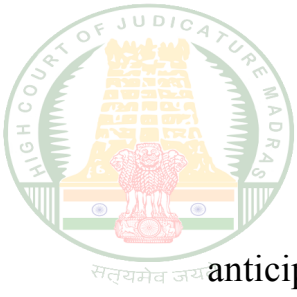
CRL O.P. No.5032 of 2025

Government Advocate (Crl.Side) for the respondent police and perused the materials available on record.

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6. Taking note of the facts and circumstances of the case, nature of allegations, submissions made by the learned counsels on either side, the fact that the contraband was seized, the petitioner has no bad antecedents and since, the custodial interrogation of the petitioner is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner on certain conditions.

7. 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 of receipt of a copy of this order, before the learned **Judicial Magistrate-2, Mettur** 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



CRL O.P. No.5032 of 2025

WEB COPY

anticipatory bail shall stand dismissed and on further conditions 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.

[c] the petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders.

[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].

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 269 B.N.S.



CRL O.P. No.5032 of 2025

WEB COPY

25.02.2025

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To

1. The Judicial Magistrate-2, Mettur.
2. The Public Prosecutor, High Court, Madras.
3. The Inspector Of Police, Jalakandapuram Police Station, Salem District.

SUNDER MOHAN. J.,

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CRL O.P. No.5032 of 2025

CRL O.P. No.5032 of 2025

25.02.2025