



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.05.2025

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THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.14867 of 2025

Jeevagan

.. Petitioner

Vs.

The State rep by
The Inspector of Police,
Sembanarkoil Police Station,
Mayiladuthurai District.
(Crime No.213 of 2025)

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the event
of arrest in Crime No.213 of 2025 on the file of the respondent police.

For Petitioner : Mr.K.Prasath

For Respondent : Mr.V.Meganathan

Government Advocate(Criminal Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent
police for the offences punishable under Section 303 (2) of BNS Act
(Section 379 of I.P.C) and Section 21 (1) of Mines and Minerals
(Development & Regulation) Act, 1957, in Crime No.213 of 2025, seeks
anticipatory bail.



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2.The case of the prosecution is that the petitioner/accused had committed theft of 1 unit of ground sand in Ashok Leyland Lorry. Hence, the case.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and the case has been falsely foisted against him by the respondent for statistical purposes. He further submits that the petitioner is ready and willing to abide by any conditions that may be imposed by this Court and hence, he prays to grant anticipatory bail to the petitioner

4.The learned Government Advocate (Criminal Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioner, reiterated the prosecution case and submitted that the petitioner had theft 1 unit of ground sand in Ashok Leyland Lorry and there is no previous case against the petitioner.



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5. Having heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions and the petitioner is directed to make a non-refundable deposit of **Rs.10,000/- [Rupees Ten Thousand Only]** directly to the credit of “**Advocate Bar Association, Mayiladudurai District**”, without prejudice to his rights and contentions before the trial Court, on such deposit and production of proof, 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 **District Munsif cum Judicial Magistrate Court, Tharangambadi**, 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 said Magistrate, on further condition that:

[a] if the petitioner fails to surrender before the said Magistrate



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within a period of fifteen days, this Order shall stand automatically cancelled;

[b] The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of identify proofs to ensure their identity;

[c] the petitioner shall report before the respondent Police daily at 10.30 a.m until further orders;

[d] the petitioner shall not directly or indirectly cause any threat to the defacto complainant and witnesses and shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner shall make himself available for interrogation by a Police office as and when required;

[f] the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for Police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[g] the petitioner shall not abscond either during investigation or trial;

[h] 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



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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];

[i] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

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Index : Yes / No

Internet : Yes / No

rkp/ep

Note :

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.

M.NIRMAL KUMAR, J.



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To

- 1.The Inspector of Police,
Sembanarkoil Police Station,
Mayiladuthurai District.
- 2.The District Munsif cum Judicial Magistrate Court,
Tharangambadi.
- 3.The Public Prosecutor,
Madras High Court, Chennai.

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