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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/01/2025

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL OP(MD). No.276 of 2025

1. Anand,
S/o.Masilamani,
No.4-42, Chidambarapuram,
Suchindram,
Agasteeswaram Taluk,
Kanniyakumari District.
2. Thanalakshmi,
D/o.Velappan,
W/o.Michael Antony Yesu Raja,
2/194, Kamarajar Nagar,
Kozhikottu Pothai,
Agasteeswaram Taluk,
Kanniyakumari District.
3. Michael Antony Yesu Raja,
S/o.Murugan,
2/194, Kamarajar Nagar,
Kozhikottu Pothai,
Agasteeswaram Taluk,
Kanniyakumari District.

... Petitioners/ Accused Nos.3, 4 and 5



Vs

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The State of Tamilnadu,
Rep by,
The Inspector of Police,
Pazhavor Police Station,
Pazhavor,
Tirunelveli District.
Cr.No.363 of 2024.

... Respondent/Complainant

For Petitioners : Mr.N.Pragalathan,
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 Cr.No.363 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners / A3, A4 and A5, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 303(2) of BNS 2023 r/w Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.363 of 2024 on the file of the respondent police, seek anticipatory bail.



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2. The case of the prosecution is that the petitioners had transported eight units of rough stones in two tipper lorries and three tempo vans. There are totally six accused persons in this case and the petitioners have been arrayed as Accused Nos.3, 4 and 5.

3. The learned counsel appearing for the petitioners submitted that the petitioners have nothing to do with the alleged offence and hence, he prayed for anticipatory bail. He would further submit that this Court had already granted anticipatory bail to Accused Nos.1 and 2 in CrI.O.P.(MD).No.125 of 2025 on 07.01.2025.

4. The learned Government Advocate (Criminal Side) appearing for the respondent Police submitted that there are no previous cases against the petitioners.

5. Taking into consideration the facts and circumstances of the case and also of the fact that there are no previous cases against the petitioners and considering the fact that this Court had already granted anticipatory bail to Accused Nos.1 and 2 in CrI.O.P.(MD).No.125 of 2025 on 07.01.2025, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions.



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6. Accordingly, the petitioners are ordered to be released on anticipatory bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Valliyoor, Tirunelveli District, on condition that the petitioners shall 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 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 petitioners fail to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled.

[b] the petitioners shall pay a sum of Rs.5,000/- (Rupees Five Thousand only) each to the credit of the Madurai Bench of Madras High Court Advocate Clerk's Welfare Association, Madurai-625023 (Account No:- 496039124, IFSC Code:- IDIB000H040), without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgement before the trial Court.

[c] the petitioners shall report before the respondent police as and when required for interrogation;



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[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioners 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]; and;

[g] if the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS, 2023.

Sd/-
08/01/2025

/ TRUE COPY /

/02/2025
Sub-Assistant Registrar (C.S.I/II/III/IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

tsg

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To
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- 1 THE JUDICIAL MAGISTRATE,
VALLIYOOR, TIRUNELVELI DISTRICT.
- 2 DO-THROUGH -THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
PAZHAVOOR POLICE STATION,
PAZHAVOOR, TIRUNELVELI DISTRICT.
- 4 THE OFFICER INCHARGE,
MADURAI BENCH OF MADRAS HIGH COURT
ADVOCATE CLERKS WELFARE ASSOCIATION,
MADURAI-625 023.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.N.PRAGALATHAN, Advocate (SR-275[I] dated 08/01/2025)

ORDER
IN
CRL OP(MD) No.276 of 2025
Date :08/01/2025

ES/SKN/SAR /31.01.2025/ 6P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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