



CRL OP(MD). No.837 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21.01.2025

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD). No.837 of 2025

Esakkimuthu
S/o. Muthaiahthevar,
3C/51, Pillaiyar Kovil street, VM Chatram,
Palayamkottai, Tirunelveli City.

...Petitioner/ A1

Vs

The State of Tamil Nadu,
Rep. by The Inspector of Police,
Seevalaperi Police Station, Tirunelveli District.
(Crime No. 20/2025)

...Respondent/ Complainant

For Petitioner:

M/s. P. Muthukumar

For Respondent: Mr.B.Thanga Aravindh, Government Advocate(Crl.side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS Act.

PRAYER :-

For Anticipatory Bail in Crime No. 20 of 2025 on the file of the respondent police.



CRL OP(MD). No.837 of 2025

ORDER : The Court made the following order :-

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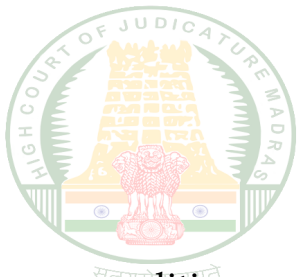
The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 303(2) of BNS, in Crime No.20 of 2025 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the accused persons that the accused persons had illegally transported 2 units of red sand with a JCB machine.

3. Heard the learned counsel on either side and perused the material records of the case.

4. The learned Government Advocate (Criminal Saide), on instructions, submitted that there are three previous cases against the petitioner, out of which one is for the similar offence.

5. Taking into consideration the facts and circumstances of the case and also considering the quantity of minerals involved and also considering the fact that there are three previous cases against the petitioner, out of which, one is for the similar offence, this Court is inclined to grant anticipatory bail to the petitioner with certain



conditions.
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CRL OP(MD). No.837 of 2025

6. 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 on which the order copy made ready, before the learned Judicial Magistrate No.III, Tirunelveli, 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 anticipatory bail shall stand dismissed and on further condition 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.

[b] the petitioner is directed to deposit a sum of Rs.3,000/- (Rupees Three Thousand only) to the credit of Salem Vakil Gumasthas Association, Indian Overseas Bank, Branch: District Court, Salem (Account No:-17801000000397, IFSC Code:- IOBA001780, without prejudice to his rights and contentions before the trial Court.



CRL OP(MD). No.837 of 2025

Only upon deposit, the learned Magistrate shall accept the sureties;

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[c] the petitioner shall appear before the respondent police as and when required for interrogation.

[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 absconds, a fresh FIR can be registered under Section 269 of BNS, 2023.

sd/-
21/01/2025

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/02/2025

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

sma



CRL OP(MD). No.837 of 2025

TO
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- 1.THE JUDICIAL MAGISTRATE NO.III, TIRUNELVELI,
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.
- 3.THE INSPECTOR OF POLICE,
SEEVALAPERI POLICE STATION,
TIRUNELVELI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO

THE OFFICER IN CHARGE,
SALEM VAKIL GUMASTHAS ASSOCIATION, DISTRICT COURT, SALEM

+1 CC to M/s.P.MUTHUKUMAR, Advocate (SR-592[I] dated 21/01/2025)

ORDER
IN

CRL OP(MD) No.837 of 2025

Date :21/01/2025

RK/SKN (13/02/2025) 5P / 7C

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