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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/01/2025

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL OP(MD). No.929 of 2025

1. Prabhakaran

2. Malaisamy

... Petitioners/ Accused No.2 and 3

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
Kalayarkovil Police Station,
Sivagangai District.
Crime No. 8/2025.

... Respondent/Complainant

For Petitioner : Mr.S.Saravana Kumar,

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No. 8 of 2025 on the file of the Respondent
police

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ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 303(1) of BNS r/w. Section 21(4) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No. 8 of 2025 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners had illegally transported 4 ½ units of red sand in Tipper Lorry. Hence, the case.

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 totally 3 accused persons in this case and the petitioners have been arrayed as A2 and A3.



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5. Taking into consideration the facts and circumstances of the case and also considering the quantity of minerals involved and also taking note of the fact that already A1 was granted anticipatory bail by this Court in CrI.O.P(MD)No.419 of 2025, by order dated 09.01.2025, this court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate Court No.I, Sivagangai, on condition that the petitioners 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 petitioners 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.



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[b] the petitioners are directed to deposit a sum of Rs.3,500/- (Rupees Three Thousand and Five Hundred only) each to the credit of the M/s.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. Only upon deposit, the learned Magistrate shall accept the sureties;

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

[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 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

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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/-
20/01/2025

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/02/2025

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

LR
TO

- 1 THE JUDICIAL MAGISTRATE NO.I,
SIVAGANGAI, SIVAGANGAI DISTRICT.
- 2 -DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
KALAYARKOVIL POLICE STATION, SIVAGANGAI DISTRICT.
- 4 THE OFFICER INCHARGE,
M/S.SALEM VAKIL GUMASTHAS ASSOCIATION, SALEM.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.SARAVANAKUMAR, Advocate (SR-612[I] dated 22/01/2025)

ORDER IN
CRL OP(MD) No.929 of 2025
Date :20/01/2025

ES/SKN/SAR /03.02.2025/ 5P/7C

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