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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22.01.2025

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD). No.1075 of 2025

1.Balaji

2.Ravi @ Arumugaraja

3.Kalairajan

4.Muthukumar

... Petitioners / Accused
Rank Not Known

Vs

The State of Tamil Nadu
Represented by the Inspector of Police,
Taluk Police Station,
Devakottai,
Sivagangai District.
(Crime No.208 of 2024)

... Respondent/Complainant

For Petitioners : Mr.S.Muthukaruppan, Advocate

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

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



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PRAYER:-

For Anticipatory Bail in Crime No.208 of 2024 on the file of the respondent police.

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(2) of BNS, 2023 r/w. Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.208 of 2024 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the accused persons had illegally transported 1 unit of river sand in tractor and trailer by using JCB. Hence, the case.

3. The learned Government Advocate (Criminal Side), on instructions, submitted that there are totally 7 accused persons in this case and the petitioners have been arrayed as A4 to A7. He further submitted that there are no previous cases against the petitioners.

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

the case

<https://www.mhc.tn.gov.in/judis>



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5. Taking into consideration the facts and circumstances of the case and also considering the quantity of minerals involved, 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, Devakottai, 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 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.500/- (Rupees 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 their 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 petitioner 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 in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].



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

Sd/-
22/01/2025

/ TRUE COPY /

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

PAL

TO

- 1 THE JUDICIAL MAGISTRATE,
DEVAKOTTAI.
- 2 DO-THROUGH- THE CHIEF JUDICIAL MAGISTRATE
SIVAGANGAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
TALUK POLICE STATION,
DEVAKOTTAI,
SIVAGANGAI DISTRICT,
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



WJ COPY TO:

THE OFFICER INCHARGE,
M/S.SALEM VAKIL GUMASTHAS ASSOCIATION, SALEM.

+1 CC to M/s.S.MUTHUKARUPPAN, Advocate (SR-617[I] dated 22/01/2025)

ORDER
IN
CRL OP(MD) No.1075 of 2025
Date :22/01/2025

ES/SKN/SAR /10.02.2025/ 6P/7C

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