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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.1085 of 2025

1.Selvarasu

2.Appavu

... Petitioners / Accused 1&2

Vs

The State of Tamil Nadu
Represented by the Sub-Inspector of Police,
K.Pudupatty Police Station,
Pudukkottai District.
(Crime No.2 of 2025)

... Respondent/Complainant

For Petitioners : Mr.T.Lenin Kumar,
Advocate

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

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

PRAYER :-

For Anticipatory Bail in Crime No.2 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(2) of BNS, 2023 r/w. Section 21(1) and 21(2) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.2 of 2025 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. Hence, the case.

3. The learned Government Advocate (Criminal Side), on instructions, submitted that there are 2 previous cases against the first petitioner and no previous case against the second petitioner.

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



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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, Thirumayam, 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 first petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) and the second petitioner is directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand Only) 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.

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TO

- 1 THE JUDICIAL MAGISTRATE,
THIRUMAYAM.
- 2 -DO-THROUGH- THE CHIEF JUDICIAL MAGISTRATE
PUDUKOTTAI DISTRICT.
- 3 THE SUB INSPECTOR OF POLICE,
K.PUDUPATTY POLICE STATION,
PUDUKOTTAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



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COPY TO

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

+1 CC to M/s.T.LENIN KUMAR, Advocate (SR-677[I] dated 23/01/2025)

ORDER

IN

CRL OP(MD) No.1085 of 2025

Date :22/01/2025

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

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