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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.1123 of 2025

Saravanan

... Petitioner / Accused Rank Not Known

Vs

The State of Tamil Nadu
Represented by the Inspector of Police,
Oomachikulam Police Station,
Oomachikulam,
Madurai District.
(Crime No.123 of 2024)

... Respondent / Complainant

For Petitioner : Mr.Rajarishi,
for M/s.Ajmal Associates,
Advocate

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

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

PRAYER :-

For Anticipatory Bail in Crime No.123 of 2024 on the file of the respondent police.



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 r/w. Section 21 of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No. 123 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner had illegally transported 2 ½ units of M-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 2 accused persons in this case and the petitioner has been arrayed as A2 and there are no previous cases against the petitioner.

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 petitioner with certain conditions:



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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 Court No.V, Madurai, 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.1,500/- (Rupees One Thousand and Five Hundred 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 his rights and contentions before the trial Court. 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/-
22/01/2025

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/02/2025

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

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

COPY TO:

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

+1 CC to M/s.M/S.AJMAL ASSOCIATES, (SR-845[I] dated 24/01/2025)

ORDER IN
CRL OP(MD) No.1123 of 2025
Date :22/01/2025

ES/SKN/SAR /10.02.2025/ 5P/7C

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