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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04.02.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.2211 of 2025

1.K.Karuppasamy
2.Abhijith Anil

... Petitioners/ Accused Nos.1 and 2

Vs

The Inspector of Police,
Thenkarai Police Station,
Periyakulam,
Theni District.
Crime No.53 of 2025

... Respondent/Complainant

For Petitioners : Mr.C.Jeganathan

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

C-33AB. For Anticipatory Bail in Crime No.53 of 2025 on the file of the respondent

Police.



ORDER: The Court made the following order :-

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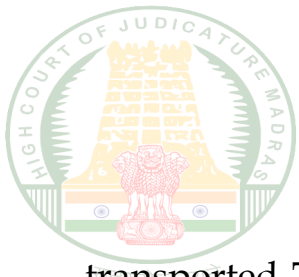
This Criminal Original Petition has been filed by the petitioners on 31.01.2025 under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant an order of pre-arrest bail.

2. The petitioners apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 340(2), 318(4) and 303(2) of Bharatiya Nyaya Sanhita (BNS) Act, 2023 and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.53 of 2025 on the file of the respondent police.

3. The case of the prosecution is the defacto complainant, who is a Village Administrative Officer, has lodged a complaint with the respondent Police stating that on 28.01.2025, near T.Kallupatti, the petitioners had illegally transported M-sand in a tipper lorry bearing Registration No.KL 69 D 8192, by using a transit pass which has been corrected in the date column by using whitener. Hence, the case.

4. Mr.C.Jeganathan, learned counsel appearing for the petitioners, submits that the petitioners were arrayed as accused falsely in the present case and they did not commit any offence as alleged by the prosecution. Hence, he prays for grant of pre-arrest bail to the petitioners.

5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Crl.Side) appearing for the respondent Police, submits that the petitioners had illegally



transported 7 and 1/2 units of M-sand in a tipper lorry without proper transit pass.

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No previous case is pending against the petitioners. Accordingly, he prayed to dismiss this Criminal Original Petition.

6. Heard on both sides. This Court has perused the records.

7. Considering the nature of the offences alleged against the petitioner and also considering the fact that no previous case is pending against the petitioners, this Court is inclined to grant an order of pre-arrest bail to the petitioners subject to the following conditions:

(i) The petitioners shall be released on bail in the event of their arrest or in the event of their surrender before the learned Judicial Magistrate, Periyakulam, Theni District within a period of 15 days from the date on which the order copy is made ready, on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) to the satisfaction of the concerned Judicial Magistrate.

(ii) Thereafter, the petitioners shall appear and sign before the respondent Police weekly twice i.e., on Monday and Friday at 10.00 a.m. until further orders;

(iii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one of



identity proofs to ensure their identity;

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(iv) The petitioners shall furnish their residential address and mobile number to the concerned Judicial Magistrate.

(v) The petitioners shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence;

(vi) On breach of any of the aforementioned conditions, concerned Magistrate, or Trial Court as the case may be, is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned conditions are imposed by them as laid down by the Hon'ble Supreme Court in P.K. Shaji vs. State of Kerala [(2005) 13 SCC 283].

8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

sd/-
04/02/2025

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Sub-Assistant Registrar (CS-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,
PERIYAKULAM,
THENI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

3 THE INSPECTOR OF POLICE,
THENKARAI POLICE STATION,
PERIYAKULAM,
THENI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.C.JEGANATHAN, Advocate (SR-1376[I] dated 05/02/2025)

ORDER
IN

CRL OP(MD) No.2211 of 2025
Date :04/02/2025

NBF / SKN /SAR- (19/02/2025) 5P/6C

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