



CRL OP(MD). No.3272 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21.02.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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Bashir Mohamed

... Petitioner/ Accused No.2

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Kandavarayanpatti Police Station,
Sivagangai District.
Crime No.13 of 2025

... Respondent/ Complainant

For Petitioner : Mr.S.Bharathi

For Respondent : Mr.S.S.Manoj,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.13 of 2025 on the file of the respondent-police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 19.02.2025



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under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant an order of pre-arrest bail.

2. The petitioner apprehends arrest at the hands of the respondent-police for the offences punishable under Section 303(2) of Bharatiya Nyaya Sanhita (BNS), 2023 and Section 21(4) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.13 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that based on secret information, on 15.02.2025, at about 08.00 p.m., the Village Administrative Officer went to the location, and found that the petitioner and other accused persons were illegally loading sand in three vehicles bearing Registration Nos.TN 55 X 4746, TN 76 L 5792 and TN 63 P 4217 by using a JCB without any permission. The petitioner, who is owner of JCB and two other vehicles, escaped from the place of occurrence leaving his vehicle. All the vehicles were seized and handed over to the respondent-Police. Hence, the case.

4. Mr.S.Bharath, learned counsel appearing for the petitioner submits that a false case has been foisted against the petitioner and he did not commit any offence as alleged by the prosecution. He however submits that the petitioner is ready to



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abide by any conditions to be imposed by this Court. Hence, he prays for grant of pre-arrest bail to the petitioner.

5. Per contra, Mr.S.S.Manoj, learned Government Advocate (Crl.Side) appearing for the respondent-police, submits that the petitioner is A2 and he is the owner of JCB and two other vehicles. He further submits that the petitioner and other accused persons were illegally transporting sand from the petitioner's own land. Therefore, he prays to dismiss this Criminal Original Petition.

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

7. The petitioner has permanent residence and deep roots in the society and hence, there is less possibility of absconding. Considering the same and the nature of the offences alleged against the petitioner and with a view to give an opportunity to the petitioner to reform himself, this Court is inclined to grant an order of pre-arrest bail to the petitioner subject to the following conditions:

(i) The petitioner shall be released on bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate, Thiruppathur,

Sivagangai District, within a period of 15 days from the date on which the order copy



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is made ready, on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the learned Judicial Magistrate, Thiruppathur, Sivagangai District;

(ii) 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;

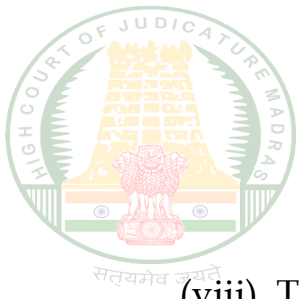
(iii) The petitioner shall make himself available for interrogation by a police officer as and when required;

(iv) The petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(v) The petitioner shall not leave India without the previous permission of the Court;

(vi) Thereafter, the petitioner shall appear and sign before the respondent-Police daily at 10.00 a.m. until further orders;

(vii) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate, Thiruppathur, Sivagangai District;



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

(ix) 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 petitioner 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/-

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/03/2025

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

MBI
TO

- 1 THE JUDICIAL MAGISTRATE,
THIRUPPATHUR, SIVAGANGAI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
KANDAVARAYANPATTI POLICE STATION,
SIVAGANGAI DISTRICT



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

+1 CC to M/s.S.BHARATHI, Advocate (SR-2003[I] dated 24/02/2025)

ORDER

IN

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Date :21/02/2025

SS/SKN/SAR- /07/03/2025/ 6P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023