



CRL OP(MD). No.8638 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/07/2025

PRESENT

THE HONOURABLE MR. JUSTICE P. VADAMALAI

CRL OP(MD). No.8638 of 2025

Sekar,
S/o.Muthu

... Petitioner/ A2

Vs

The State of Tamil Nadu,
Rep. by, the Inspector of Police,
Thiruvaiyaru Police Station,
Thanjavur District.
(Crime No.97 of 2025)

... Respondent/Complainant

For Petitioner : Mr.P.Surli Raja,
Advocate

For Respondent : Mr.M.Karunanithi,
Government Advocate
(Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS



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PRAYER :-

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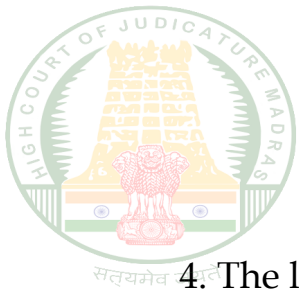
For Anticipatory Bail in Crime No.97 of 2025 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ A2, who apprehends arrest at the hands of the respondent police for the offences punishable under section 303(2) of BNS r/w. Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.97 of 2025 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and other accused persons illegally transported 1/4 unit of river sand by using a bullock cart without any valid permission. Hence, a case has been registered.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person, and has not committed any offence as alleged by the prosecution. He has been falsely implicated in this case. Hence, he seeks anticipatory bail.



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4. The learned Government Advocate (Crl. side) submits that the petitioner has been arrayed as A2 in this case, and there are two previous cases of a similar nature registered against the petitioner. The entire properties have been recovered. He further submits that A1 was arrested and subsequently released on bail by this Court on 22.05.2025 in Crl.O.P.(MD)No.8647 of 2025. However, he opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration of the facts and circumstances of the case and the nature of the offence, and considering the quantity of minerals involved, and taking note of the fact that the co-accused was arrested and subsequently released on bail by this Court, and that the entire properties have already been recovered, this court is inclined to grant anticipatory bail to the petitioner, with certain conditions.

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, Thiruvaiyaru, Thanjavur District, 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



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the satisfaction of the learned Judicial Magistrate, Thiruvaiyaru, Thanjavur District, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

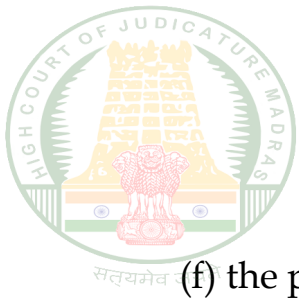
(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall deposit a sum of Rs.7,500/- (Rupees Seven Thousand and Five Hundred only) to the credit of the District Mineral Foundation Trust, Thanjavur District as Non-refundable deposit and on such deposit being made, the learned Judicial Magistrate, Thiruvaiyaru, Thanjavur District shall accept the sureties furnished by the petitioner;

(c) the petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate, Thiruvaiyaru, Thanjavur District. In the event of any change in his residential address, the petitioner shall report the same to the learned Judicial Magistrate, Thiruvaiyaru, Thanjavur District;

(d) the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(e) the petitioner shall not tamper with evidence or witness either during investigation or trial;



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(f) the petitioner shall not abscond either during investigation or trial;

(g) 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] and;

(h) if the accused/petitioner thereafter abscond, a fresh FIR can be registered under Section 269 of BNS, 2023.

sd/-
01/07/2025

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/07/2025
Sub-Assistant Registrar (C.S.-I/ II /III/ IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

mkn

TO

1.The Judicial Magistrate,
Thiruvaiyaru, Thanjavur District.

2. Do through the Chief Judicial Magistrate,
Thanjavur District.



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3. The Officer In Charge,
The District Mineral Foundation Trust,
Thanjavur District.

4. The Inspector of Police,
Thiruvaiyaru Police Station,
Thanjavur District.

5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.P.SURLI RAJA, Advocate (SR-7042[I] dated 02/07/2025)

ORDER
IN

CRL OP(MD) No.8638 of 2025
Date :01/07/2025

PS/SAR.22.07.2025 6P/7C

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