



CRL OP(MD). No.9060 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28.05.2025

PRESENT

THE HONOURABLE MS. JUSTICE R.POORNIMA

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Ashokraj

... Petitioner/ Accused

Vs

State of Tamilnadu
Rep. by the Inspector of Police,
Vallam Police Station,
Thanjavur District.
(Crime No. 187 of 2025).

... Respondent/Complainant

For Petitioner : Mr. V.Karuna,
Advocate.

For Respondent : Mrs.M.Aasha
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No. 187 of 2025 on the file of the respondent Police.



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ORDER: The Court made the following order :-

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The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offences punishable under section 303(2) of BNS and Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.187 of 2025 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and the other accused were illegally transporting 2 units of M-sand by using a lorry bearing registration No.TN-49-CH-1622 without any permission. Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. He further submitted that one of the co-accused persons/A2 was granted anticipatory bail by the learned Sub Judge, Thanjavur and another co-accused/A3 was also released bail by this Court in Crl.O.P.(MD) No.8615 of 2025. Hence, he prayed to allow this petition.

4. The learned Government Advocate (Crl.Side) for the respondent police submitted that the petitioner, who is the owner of the vehicle, and other accused persons illegally transported 2 units of M-sand, without proper permission and licence. Further, he fairly submitted that the co-accused persons were already released on bail and the material also recovered from the petitioner and part of the investigation is over.



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5. Taking into consideration the facts and circumstances of the case and also considering the quantity of the M-sand and also taking into note the facts that the co-accused were released on bail, the property was recovered from the petitioner and part of the investigation is over, this Court is inclined to grant anticipatory bail to the petitioner subject to the certain conditions.

6. Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Tahnjavur, on condition that the petitioner shall execute a bond for a sum of Rs.1,00,000/- (Rupees one lakh 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, on further condition that:

[a] if the petitioner fail to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled;

[b] the petitioner shall report before the respondent police for a period of 30 days and as and when required for interrogation;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner shall not abscond either during investigation or trial;



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[e] on breach of any of the aforesaid conditions, the learned Magistrate/ Trial
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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;

[f] if the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS 2023.

sd/-
28/05/2025

/ TRUE COPY /

/06/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

APD

TO

1 THE JUDICIAL MAGISTRATE NO.II,
THANJAVUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THANJAVUR DISTRICT AT KUMBAKONAM.

3. The Inspector of Police,
Vallam Police Station,
Thanjavur District.



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

ORDER

IN

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Date :28/05/2025

MK/04.06.2025 5P/5C

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