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CrI.O.P.No.31117 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2024

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.31117 of 2024

Palani

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Desur Police Station,
Tiruvannamalai District.
(Crime No.140 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on anticipatory bail in the event of his arrest by the respondent police concerned in Crime No.140 of 2024, on the file of the respondent police.

For Petitioner : Mr.E.Sathiyaraj Elangovan
For Respondent : Mr.S.Santhosh
Government Advocate (CrI.Side)



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ORDER

Apprehending arrest in connection with Crime No.140 of 2024 registered for the offences punishable under Sections 303 (2), 326 (a) of BNS Act, 2023, and Section 21 (5) of Mines & Minerals (Development & Regulation) Act 1957, the present petition has been filed seeking anticipatory bail.

2.Pleading innocence on the part of the petitioner, false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. Learned counsel for the petitioner would submit that the petitioner is innocent and that a case of sand theft has been fabricated against him. He also submits that without prejudice to the defence and contention, he is ready and willing to deposit a sum of Rs.20,000/- as non-refundable deposit to any welfare scheme of the Government or any organization. He further submits that the petitioner is ready to abide by any stringent condition that may be imposed by this Court.



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3.The case of the prosecution as putforth by the learned Government Advocate (Crl. Side) appearing for the respondent Police, opposing for grant of anticipatory bail, is that the quantity of river sand involved is three units. He further submit that, apart from this case, petitioner has one previous case of the year 2021.

4.Considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) to the District Legal Services Authority, Tiruvannamalai, without prejudice to the right of defence before the Trial Court and making it clear that it would not amount to admission of guilt.

5.Further, having heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent Police and perused the materials available on record and also considering that for past three years, petitioner has not involved in any of the offence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions



and accordingly, he 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 of receipt of a copy of this order, before the learned Judicial Magistrate, Vanthavasi, Tiruvannamalai 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 the satisfaction of the said 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 daily at 10.30 a.m for a period of two weeks, thereafter every Saturday at 10.30 am until further orders;

[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;

[e] 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



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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];

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

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A.D.JAGADISH CHANDIRA, J.

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