



CRL OP(MD). No.9898 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/07/2024

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

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1. Rajmohan
2. Ranjith

... Petitioners/ Accused Nos.1 & 2

Vs

The Inspector of Police,
Cholanpuram Police Station,
Thanjavur District,
Crime No.478/2023

... Respondent/Complainant

For Petitioners : M/s.D.Saranya, Advocate
For Respondent : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL UNDER SEC 482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.478/2023 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners/A1 & A2, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 21(4) of Mines and Minerals (Development & Regulation) Act, 1957 r/w Section 379 of IPC in Crime



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No.478 of 2023, seeks anticipatory bail.

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2.The case of the prosecution is that the the petitioner is having license to mining process in S.Nos.95/1AA, 96/1, 96/23, 97/17, 97/3, 97/103, 97/4, 97/8, 97/6, 97/7 and 95/4 to the total extent of 3.80.0 Hectares through an order of Mines and Minerals Department. But, this petitioner without having license to mining process in S.Nos.88/1a, 1B, 1C, 2A, 2B, 2C, 3, 4 and 95/1A, 1B, 1C, 1D, 1E, 1F, 1G, 1H, 1L, 1K, 1M, 1N, 1O, 1P, 2, 3, 4 and 97/10C to the total extent of 2.80.0 hectares by using through yellow colour JCB 215 and transported the same. Hence, the case.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate(Crl.Side) would submit that the the petitioner is not having any previous case and the investigation is still pending. Hence, he strongly opposed to grant anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and also considering the fact that the petitioner is not having any previous case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or their appearance, within a period of fifteen days from the date of



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receipt of a copy of this order, before the learned District Munsif cum Judicial Magistrate, Thiruvudaimaruthur, Thanjavur District, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a) the petitioners 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 petitioners shall report before the respondent police daily at 10.30 am for a period of two weeks and thereafter as and when required for interrogation;

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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;



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(f)if the accused thereafter abscond, a fresh FIR can be registered under Section

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229-A IPC.

sd/-
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/07/2024

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

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TO

- 1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
THIRUVIDAIMARUTHUR, THANJAVUR DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE, CHOLANPURAM POLICE STATION,
THANJAVUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CRL OP(MD) No.9898 of 2024
Date :12/07/2024

RS/JGB/SAR-(29.07.2024) 4P 5C
Madurai Bench of Madras High Court is issuing
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