



CRL OP(MD).No.10225 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12.07.2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD).No.10225 of 2024

Boobesh @ Boopesh Kumar

... Petitioner/ Accused No.4

Versus

State rep. by
The Inspector of Police,
Madukkur Police Station,
Thanjavur District.
(Crime No.175 of 2024)

... Respondent/ Complainant

For Petitioner : Mr.K.M.Karunakaran, Advocate

For Respondent : Mr.M.Sakthi Kumar
Government Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS / 438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.175 of 2024 on the file of the Respondent Police.



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ORDER : The Court made the following order :-

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The petitioner, apprehending arrest at the hands of the respondent Police, in connection with a case in Crime No.175 of 2024, for the offence punishable under Section 379 of IPC r/w. Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, has filed this petition seeking anticipatory bail.

2. The case of the prosecution is that the petitioner has illegally transported one unit of river sand in a vehicle.

3. The learned counsel appearing for the petitioner submits that the petitioner is innocent person and he has not committed any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent Police opposes for grant of anticipatory bail that this is a second anticipatory bail and the petitioner is having five previous cases to his credit.

5. The learned Counsel for the petitioner submits that the petitioner has deposited a sum of Rs.40,000/- to the office of the Chief Educational Officer,

<https://www.mhc.tn.gov.in/judis>



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Thanjavur, for the purpose of establishing a Smart Class Room in any one of the remote Schools within Thanjavur District.

6. Considering the facts and circumstances of the case and also considering the change of attitude, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, this Criminal Original Petition is ordered and the petitioner is ordered to be released on bail in the event of his 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, Pattukottai, on condition that

(i) the petitioner execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand) each, with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Pattukottai.

(ii) The petitioner and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the government in proof of their residence address;

(iii) The petitioner shall appear before the respondent police daily at 10.30 a.m., until further orders. He has to co-operate for the investigation.

(iv) The petitioner shall not misuse the liberty granted to him by indulging in any further offence and shall not tamper with the prosecution witnesses.



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(v) On violation of any of the above conditions by the petitioner, the respondent police shall move an application for cancellation of the anticipatory bail.

8. It is needless to say that any tool or instrument or vehicle used for illegal quarrying / transportation of sand is liable to be seized under Section 21(4) of the Mines and Minerals(Development & Regulation) Act, 1957 and any vehicle or instrument or tool which has been seized under Section 21(4) of the Mines and Minerals (Development & Regulation) Act, 1957, is liable to be confiscated under Section 21(4-A) of the Act.

sd/-
12/07/2024

/ TRUE COPY /

/07/2024
Sub-Assistant Registrar (CS-I/ II / III/ IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

jbr

TO

1. THE JUDICIAL MAGISTRATE, PATTUKOTTAI,

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR @ KUMBAKONAM.

3.THE INSPECTOR OF POLICE,
MADUKKUR POLICE STATION,THANJAVUR DISTRICT.



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

+1 CC to M/s.K.M.KARUNAKARAN, Advocate (SR-7845[I] dated 12/07/2024)

ORDER
IN
CRL OP(MD) No.10225 of 2024
Date :12/07/2024

RK/VR (30/07/2024) 5P / 6C

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