



CRL OP(MD). No.10168 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/07/2024

PRESENT

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

CRL OP(MD). No.10168 of 2024

Moorthy,

... Petitioner/ Accused Rank 1

Vs

The Inspector of Police,
Maruvur Police Station,
Thanjavur District.
Crime No. 181 of 2024.

... Respondent/Complainant

For Petitioner : Mr.Dhilipan Pandian R.L.,
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. 181 of 2024 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/ Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 303 (2) of the Bharatiya Nyaya



CRL OP(MD). No.10168 of 2024

Sanhita* (BNS) 2023 r/w. Section 21(1) of Mines and Minerals (Development and Regulation Act), 1957, in Cr.No.181 of 2024, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner has illegally transported 2 units of river sand, worth about Rs.30,000/-. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.

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

5.Considering the facts and circumstances of the case and also considering the nature of offence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, this Petition is allowed and the petitioner shall pay a sum of Rs.3,000/- (Rupees Three Thousand only) to the credit of Kendra for Integrated Rural and Urban People Action, Plot Nos.132, 133, Golden City, Mangalakudi Village, Kadachanendal, Madurai, (Mobile No: 9787179152; 8940536287), without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgement before the learned Judicial Magistrate, Thiruvaiyaru,



CRL OP(MD). No.10168 of 2024

Thanjavur District.

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7. On production of such receipt, 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 of receipt of a copy of this order, 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 learned Magistrate concerned and on further conditions 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 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 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 conditions have been imposed and the petitioner released on bail by the



CRL OP(MD). No.10168 of 2024

learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court

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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 229-A IPC.

sd/-
09/07/2024

/ TRUE COPY /

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

LS
TO

1 THE JUDICIAL MAGISTRATE,
THIRUVAIYARU, THANJAVUR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, THANJAVUR DISTRICT AT KUMBAKONAM.

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

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

COPY TO:

THE OFFICER INCHARGE,
KENDRA FOR INTEGRATED RURAL AND URBAN PEOPLE ACTION,
PLOT NOS.132, 133, GOLDEN CITY,
MANGALAKUDI VILLAGE, KADACHANENDAL,
MADURAI (MOBILE NO: 9787179152; 8940536287)

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



CRL OP(MD). No.10168 of 2024

+1 CC to M/s.R.L.DHILIPAN PANDIAN, Advocate (SR-7801[I] dated 11/07/2024)

ORDER
IN
CRL OP(MD) No.10168 of 2024
Date :09/07/2024

SA/VR/SAR. /19.07.2024/5P/7C

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