



CRL OP(MD). No.10514 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 15/07/2024

PRESENT

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

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1. Chidambaram

2. Radhakrishnan

3. Kabilraja

4. Dhanushkodi

... Petitioners/ Accused No.4 to 7

Vs

The Inspector of Police,
Rajadhani Police Station
Theni District.
(Crime No.156/2024.)

... Respondent/Complainant

For Petitioners : P.Senguttuarasan, 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 Cr No.156/2024 on the file of the respondent Police.



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ORDER: The Court made the following order :-

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The petitioners/A4 to A7, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 303(2) of Bharatiya Nyaya Sanhita, 2023 and Section 21(4) of Mines & Minerals (Development & Regulation) Act, 1957, in Cr.No.156 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and other accused are said to have illegally transported 1 1/2 unit of river sand worth about Rs.6,000/-. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case. He would further submit that the co-accused were already released on bail. Hence, he prays for anticipatory bail.

4.The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that totally 7 accused are involved in this case. The petitioners are arrayed as A4 to A7. The petitioners and other accused are said to have illegally transported 1 1/2 unit of river sand worth about Rs.6,000/-. He would further submit that the first petitioner is having 4 previous cases and the investigation in this case is not yet completed. However, he fairly conceded that the co-accused were already arrested and subsequently, released on bail.



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5.Considering the facts and circumstances of the case and also considering the fact that the co-accused have already been released on bail, this Court is inclined to grant anticipatory bail to the petitioner 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 receipt of a copy of this order, before the learned Judicial Magistrate, Aundipatti, Theni 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 three 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



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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;

(f)if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
15/07/2024

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

DSS

To

1.The Judicial Magistrate,
Aundipatti, Theni District.

2.Do through the Chief Judicial Magistrate,
Theni District.

3.The Inspector of Police,
Rajadhani Police Station,
Theni District.

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



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ORDER
IN
CRL OP(MD) No.10514 of 2024
Date :15/07/2024

ED/ JGB /SAR- (24/07/2024) 5P / 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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