



CRL OP(MD). No.10623 of 2024

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

Date : 16/07/2024

PRESENT

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

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1. Karthikeyan

2. Gunasekaran

3. Elavarasan

... Petitioners/ Accused No.1, 3 & 4

Vs

The Inspector of Police,
Nachiyarkoil Police Station,
Thanjavur District,
(Crime No.496/2024.)

... Respondent/Complainant

For Petitioners : M/s.D.Rameshkumar, Advocate.

For Respondent : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.496/2024 on the file of the respondent police



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ORDER: The Court made the following order :-

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The petitioners/Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 379 IPC r/w. 21(1) of Tamil Nadu Mines and Minerals (Development and Regulations), Act, 1957, in Crime No.496 of 2024, seek anticipatory bail.

2.The case of the prosecution is that the petitioners herein and other accused have illegally transported Savudu soil and the same has been recovered. Hence the complaint.

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 and their names have been falsely implicated in this case and seeks anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that the petitioners are A1, A3 and A4 respectively and they are not having any previous case. He would further submit that investigation of the case is pending and 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 property has been recovered, 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



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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 No.II, Kumbakonam, 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 respondent Police or to the Police Officer, who intends to arrest or 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



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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 229-A IPC.

sd/-
16/07/2024

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

TRP

To

1.The Judicial Magistrate No.II,
Kumbakonam, Thanjavur District.

2.Do through the Chief Judicial Magistrate,
Thanjavur District at Kumbakonam.

3.The Inspector of Police,
Nachiyarkoil Police Station,
Thanjavur District.

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

ORDER
IN
CRL OP(MD) No.10623 of 2024
Date :16/07/2024



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ED/JGB /SAR- (29/07/2024) 5P / 5C

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