



CRL OP(MD). No.11576 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/07/2024

PRESENT

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

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(*Sathishwaran (Sathish) @ Sathish Kumar

... Petitioner/ Accused Rank No.3

Vs

The Inspector of Police,
Paramakudi Taluk Police Station,
Ramanathapuram District.
Cr.No.86 of 2023.

.. Respondent/ Complainant

For Petitioner : M/s.Arun, Advocate.

For Respondent : Mr.Sanjai Gandhi, Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL UNDER SEC 482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.86 of 2023 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/A3, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 379 of IPC r/w 21(1) of Mines and Minerals Act, in Cr.No.86 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and the other accused have

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complaint.

illegally transported 1 unit of river sand worth about Rs.15,000/-. Hence, the

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. However, he would further submit that the petitioner shall abide any condition imposed by this Court. Hence, he prays for anticipatory bail.

4.The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner and the other accused have illegally transported 1 unit of river sand worth about Rs.15,000/-. The investigation in this case is not yet completed and the petitioner is having 5 previous cases. Hence, he vehemently, opposed to grant anticipatory bail.

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

6.Accordingly, the petitioner shall pay a sum of Rs.3,000/- (Rupees Three Thousand only) to the credit of Claretian Mercy Home, Azhagusirai, Ponnangalam (post) Thirumangalam Taluk, Madurai District, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgement before the learned District Munsif cum Judicial



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Magistrate, Peravurani.

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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 Judicial Magistrate Court, Paramakudi, 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 three 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 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;

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

sd/-
25/07/2024

(*)Amended as per Order of the Court
dt.28/08/2024 in CrI.MP(MD).8729/2024 in
CrI.OP(MD).11576/2024 by DBCJ.

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/09/2024

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

dss

TO

TO BE SUBSTITUTED WITH THE ORDER DT.25/07/2024 IS ALREADY
DESPATCHED

1 THE JUDICIAL MAGISTRATE, PARAMAKUDI.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3 THE INSPECTOR OF POLICE, PARAMAKUDI TALUK POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

COPY TO

1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, PERAVURANI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

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



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3 THE OFFICER INCHARGE, CLARETIAN MERCY HOME, AZHAGUSIRAI,
PONNAMANGALAM POST, THIRUMANGALAM TALUK,
MADURAI DISTRICT.

+1 CC to M/s.B.ARUN, Advocate (SR-10573[I] dated 29/08/2024)

ORDER
IN

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Date :25/07/2024

RS/JGB/SAR-(07.08.2024) 5P 9C
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SA/SG/SAR. /09.09.2024/5P/9C

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