



CRL OP(MD). No.11909 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/07/2024

PRESENT

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

CRL OP(MD). No.11909 of 2024

1. N.Archunan,

2. Dharmar,

3. Ramu,

... Petitioners/ Accused

Vs

The Sub Inspector of Police,
Devakottai Taluk Police Station
Sivagangai District.
Crime No.175/2024..

... Respondent/Complainant

For Petitioners : A.Shajahan, Advocate.

**For Respondent : Mr.K.Sanjaigandhi,
Government Advocate (Crl.Side)**

PETITION FOR ANTICIPATORY BAIL UNDER SECTION 482 OF BNSS



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PRAYER :-

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

ORDER : The Court made the following order :-

The petitioners/accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 303(2) BNS and r/w. 21(4) of Mines and Minerals Development Act, 1957 in Crime No.175 of 2024, seek anticipatory bail.

2.The case of the prosecution is that the petitioners herein have illegally transported 1 ½ unit of Savudu soil worth about Rs.5,000/- 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.

4.The learned Government Advocate (Crl.Side) would submit that A1 is having three previous cases in similar nature and A2 and A3 are not having any previous case and the property has been recovered and the investigation of the case is pending.

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 their

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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, Devakottai 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 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 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;

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(f)if the accused thereafter abscond, a fresh FIR can be registered under Section

229-A IPC.

sd/-
29/07/2024

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/ 08 /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
DEVAKOTTAL.

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

3 THE SUB INSPECTOR OF POLICE
DEVAKOTTAL TALUK POLICE STATION
SIVAGANGAI DISTRICT.

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

+1 CC to M/s.A. SHAJAHAN, Advocate (SR-38279[F] dated 29/07/2024)

ORDER
IN

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Date :29/07/2024



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PSP/JGB/SAR /14.08.2024/ 5P/ 6C

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