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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/07/2024

PRESENT

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

CRL OP(MD). No.12286 of 2024

Prabakaran

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Nainarkovil Police Station,
Ramanathapuram District,
Crime No.119/2024.

... Respondent/Complainant

For Petitioner : Mr.D.Senthil,
Advocate.

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-For Anticipatory Bail in Crime No.119/2024 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 379 IPC r/w. 21(1) of of Mines and

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



Minerals (Development and Regulation) Act, 1957 in Cr.No.119 of 2024, seeks anticipatory bail.

2.The case of the prosecution is that petitioner has illegally transported 1 unit of river sand worth about Rs.15,000/- and the same has been recovered. Hence the complaint.

3. The learned counsel for the petitioner would submit that petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case.

4.The learned Government Advocate(Crl.Side) would submit that the property has been recovered and there is no previous case is pending against the petitioner.

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 petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, 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 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:



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(a) the petitioner is directed to pay a sum of Rs.3,000/- (Rupees Three Thousand only) to the Meenakshi Mission Hospital and Research Centre, Madurai towards the treatment charges of one Bala Ariya (Ch/DD/NEFT Transfer and Google Pay (Canara Bank, Nungambakkam Branch A/c. No.60182010063310, IFSC.No.CNRB0016018 in favour of Women's Welfare Syndicate), without prejudice to his rights and contentions before the trial Court and produce the receipt before the trial Court.

(b) 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;

(c) 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.

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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 in *P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]*; and;

(g)if the accused thereafter absconds, a fresh FIR can be registered under

Section 229-A IPC.

sd/-
31/07/2024

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/08/2024

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

TRP

TO

1 THE JUDICIAL MAGISTRATE,
PARAMAKUDI.

2 THE CHIEF JUDICIAL MAGISTRATE
RAMANATHAPURAM DISTRICT.

3 THE INSPECTOR OF POLICE
NAINARKOVIL POLICE STATION,
RAMANATHAPURAM DISTRICT,

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

COPY TO:

THE OFFICER INCHARGE,
MEENAKSHI MISSION HOSPITAL AND RESEARCH CENTRE,
MADURAI

+1 CC to M/s.D.SENTHIL, Advocate (SR-9055[I] dated 31/07/2024)



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ORDER
IN

CRL OP(MD) No.12286 of 2024

Date :31/07/2024

MK/27.08.2024 5P 7C

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