



CRL OP(MD). No.13389 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/08/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.13389 of 2024

P.Prabhakaran

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Thirukkattupalli Police Station
Thanjavur District.
Crime No.367/2024..

... Respondent/Complainant

For Petitioner : Mr. Dhilipan Pandian R L,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.367/2024 on the file of the respondent Police.



CRL OP(MD). No.13389 of 2024

ORDER: The Court made the following order :-

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The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 303(2) of BNS Act r/w. 21(1) of Mines and Minerals (Development and Regulations) Act, 1957 in Crime.No.367 of 2024, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner herein has illegally transported 3 sack of river sand by using Twowheeler. Hence, the complaint.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent Police and perused the materials available on record.

4. Considering the facts and circumstances of the case and also considering the fact that property was recovered, I am inclined to enlarge the petitioner on anticipatory bail with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest



CRL OP(MD). No.13389 of 2024

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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, Thiruvaiyaru, Thanjavur District 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:

(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 is directed to deposit a sum of Rs.1,000/- (Rupees One Thousand only) to the credit of Headmistress, Government Higher Secondary School, E.Malampatti, Melur Taluk, Madurai District. (Account No.10662832760, CIF No; 80521814092, IFSC Code: SBIN0000258, State Bank of India, Melur Branch, Madurai), without prejudice to his rights and contentions before the trial Court;

(c) the petitioner 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;

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



CRL OP(MD). No.13389 of 2024

(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/-

14/08/2024

/ TRUE COPY /

/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, Thiruvaiyaru, Thanjavur District
2. Do-Through The Chief Judicial Magistrate,
Thanjore District at Kumbakonam.



CRL OP(MD). No.13389 of 2024

3. The Inspector of Police,
Thirukkattupalli Police Station
Thanjavur District.
Crime No.367/2024..

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

Copy to:

The Headmistress,
Government Higher Secondary School,
E.Malampatti, Melur Taluk, Madurai District.

+1 CC to M/s.R.L.DHILIPAN PANDIAN, Advocate (SR-9948[I] dated 14/08/2024)

ORDER

IN

CRL OP(MD) No.13389 of 2024

Date : 14/08/2024

RD/SKN (23/08/2024) 5P / 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.