



CRL OP(MD). No.13651 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/08/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.13651 of 2024

Kaviyarasan,

... Petitioner/ Accused No.3

Vs

**The Inspector of Police,
Thanjavur Taluk Police Station,
Thanjavur District.
Crime No. 351 of 2024.**

... Respondent/Complainant

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

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

PETITION FOR ANTICIPATORY BAIL UNDER SECTION 482 OF BNSS

PRAYER :-

For Anticipatory Bail in Crime No. 351 of 2024 on the file of the Respondent police.

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 2023 and Section 21 (1) of MMDR Act, 1957 in Crime.No.351 of 2024, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner herein and other accused illegally transported (*) $\frac{3}{4}$ unit of river sand by using Ashok Leyland Dhost. 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 the petitioner is ready and willing to deposit a sum of Rs.50,000/-, I am inclined to enlarge the petitioner on anticipatory bail with certain conditions.

5.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 No.II, 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:



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(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 petitioners are directed to deposit a sum of (*)Rs.9,000/- (Rupees Nine Thousand only) to the credit of Light Social Welfare Trust, Account No.310100140450002, IFSC Code: TMBL0000310 Tamilnadu Mercantile Bank, Arumuganeri, Thoothukudi District 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;

(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;



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

sd/-
21/08/2024

(*)Modified as per order of this Hon'ble Court in CRL MP(MD).10071/2024 in CRL OP(MD).13651/2024 Dated 24/09/2024

Further time for executing the sureties is extended for a period of one week from the date of receipt of a copy of this order.

/ TRUE COPY /

/10/2024

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

TRP

TO

TO BE SUBSTITUTED WITH THE ORDER ALREADY DESPATCHED ON 06/09/2024

1 THE JUDICIAL MAGISTRATE
NO.II, THANJAVUR DISTRICT.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
THANJORE DISTRICT AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE
THANJAVUR TALUK POLICE STATION,
THANJAVUR DISTRICT.



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

COPY TO

THE OFFICER INCHARGE
LIGHT SOCIAL WELFARE TRUST,
ARUMUGANERI,
THOOTHUKUDI DISTRICT.

+1 CC to M/s.R.L.DHILIPAN PANDIAN, Advocate (SR-11743[I] dated 25/09/2024)

ORDER

IN

CRL OP(MD) No.13651 of 2024

Date :21/08/2024

PSP/ GS /SAR /03.09.2024/ 5P/ 7C

RS/ VR /SAR /01.10.2024/ 5P/ 7C

Madurai Bench of Madras High Court is issuing
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