



CRL OP(MD). No.13781 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/08/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

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1. E Kenkaiathithan,

(*) 2. Murugesan,

... Petitioners/ Accused No.1&2

Vs

**The Inspector of Police,
Vijayanarayanam Police Station,
Tirunelveli District.
Cr.No.208 of 2024.**

... Respondent/Complainant

For Petitioners : Mr.Augustine Ebenzer T, 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.208 of 2024 on the file of the respondent
police.**



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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 Section 303 BNS, 2023, and Section 21(4) of Mines and Minerals Act, in Cr.No. 208 of 2024, seek anticipatory bail.

2. The case of the prosecution is that the petitioners had illegally transported five units of Pond sand . Hence, the complaint.

3. Heard the learned counsel on either side and perused the material records of the case.

4. Considering the nature of allegations made as against the first petitioner and the fact that the first petitioner has got five previous cases, out of which, two cases are similar in nature, this is not a fit case for grant of anticipatory bail. Hence, this petition is dismissed, in respect of the first petitioner is concerned.

5. As far as the second petitioner, is concerned, there is no bad antecedent as against the second petitioner, I am inclined to grant anticipatory bail to the second petitioner with certain conditions.

6. Accordingly, this Petition is allowed and the second petitioner shall pay a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Light Social Welfare Trust, Arumuganeri (Account No.31000140450002, IFSC Code: TMBL0000310, Tamil Nadu Merchantile Bank, Arumuganeri) without prejudice to his rights and



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contentions before the trial Court and produce the receipt/acknowledgement before the learned Judicial Magistrate, Nanguneri.

6. On production of such receipt, the second 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 learned Judicial Magistrate, Nanguneri, 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 second 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 second 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. It is made clear that no relaxation of the condition for the said period will be entertained by this court;

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

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

(e)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial



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Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the second 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;

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

7. In the result, this Criminal Original Petition is partly allowed.

sd/-
22/08/2024

(*)Corrected as per the order of this Court dated 06.09.2024 made in CRL.O.P.(MD) No.13781 OF 2024.

/ TRUE COPY /

/ 09 / 2024

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

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TO

1. THE JUDICIAL MAGISTRATE, NANGUNERI.

2. DO-THROUGH,
THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE
VIJAYANARAYANAM POLICE STATION,
TIRUNELVELI DISTRICT.

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



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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

+1 CC to M/s.T.A.EBENZER, Advocate (SR-10282[I] dated 22/08/2024)

ORDER
IN
CRL OP(MD) No.13781 of 2024
Date :22/08/2024

PSP/ JGB /SAR /21.09.2024/ 5P/ 7C

Madurai Bench of Madras High Court is issuing certified
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