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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 27/08/2024
PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.14008 of 2024

Murugan, ... Petitioner/Sole Accused

Vs

The Inspector of Police,
Kovilankulam Police Station,
Ramanathapuram District,
Cr.No.34 of 2024. ... Respondent/Complainant

For Petitioner : Mr.D.Senthil,
Advocate.
For Respondent : Mr.A.Albert James,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :- For Anticipatory Bail in Crime No.34 of 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 303(2) BNS, 2023 r/w. Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.34 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner had illegally transported ½

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unit of river sand. Hence, the complaint.

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

4. Considering the facts and circumstances of the case and also considering the nature of the offence alleged, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

5. Accordingly, this Petition is allowed and the petitioner shall pay a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Light Social Welfare Trust, Arumuganeri (Account No.310100140450002, IFSC Code: TMBL0000310, Tamil Nadu Merchantile Bank, Arumuganeri), without prejudice to his rights and contentions before the trial Court and produce the receipt / acknowledgement before the learned Judicial Magistrate, Kamuthi.

6.On production of such receipt, the 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, Kamuthi, 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 petitioner and the sureties shall affix their photographs and left thumb

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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 shall report before the respondent police daily at 10.30 am for a period of one week and thereafter as and when required for interrogation;

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

(d)the petitioner 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 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;

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

sd/-
27/08/2024

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/09/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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LS
TO

1 THE JUDICIAL MAGISTRATE,
KAMUTHI.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, RAMANATHAPURAM DISTRICT.

3 THE INSPECTOR OF POLICE,
KOVILANKULAM POLICE STATION,
RAMANATHAPURAM DISTRICT.

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.D.SENTHIL, Advocate (SR-10407[I] dated 27/08/2024)

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ORDER
IN
CRL OP(MD) No.14008 of 2024
Date :27/08/2024

SA/VR/SAR. /13.09.2024/5P/7C
Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.

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