



CRL OP(MD). No.14217 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/08/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

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1. Muthumanikandan,

2. Senthamaraipandiyar,

3. Soundrapandian,

4. Parameshwaran,

... Petitioners/ Accused
Rank Not Known

Vs

Inspector of Police,
M. Pudupatti Police Station,
Virudhunagar District.
Crime No. 86/2024..

... Respondent/Complainant

For Petitioners : Mr.N.Ananda Kumar, Advocate.

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

PETITION FOR ANTICIPATORY BAIL UNDER SECTION 482 OF BNSS

PRAYER :-

For Anticipatory Bail in Crime No. 86 of 2024 on the file of the Respondent

police.

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



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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 (ii) BNS, 2023, and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Cr.No. 86 of 2024, seek anticipatory bail.

2. The case of the prosecution is that due to previous enmity between the parties, the petitioners said to have abused the defacto complainant in filthy language and also assaulted and threatened the defacto complainant with dire consequences and caused injury. Hence, the complaint.

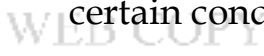
3. Heard the learned counsel on either side and perused the material records of the case.

4. The learned counsel for the petitioners is not pressed this petition in respect of the first petitioner and he has also made an endorsement to that effect. Hence, this Petition is dismissed as against the first petitioner.

5. As far as the petitioners 2 to 4 are concerned, the allegation is that when permission was given to remove the top soil/silt from the water body, they have dug deep to an extent of two meters and considering the undertaking given by the learned counsel for the petitioner to show their bona fides, they will deposit a sum of

Rs.15,000/- each, I am inclined to enlarge the petitioners 2 to 4 on anticipatory with

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



6. Accordingly, this Petition is allowed and each of the petitioner shall pay a sum of Rs.15,000/- (Rupees Fifteen Thousand only) (totally Rs.45,000/-) to the credit of Light Social Welfare Trust, Arumuganeri (Account No.310100140450002, IFSC Code: TMBL0000310, Tamil Nadu Merchantile Bank, Arumuganeri), without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgement before the learned Judicial Magistrate No.II, Sivakasi.

7. On production of such receipt, the petitioners 2 to 4 are ordered to be released on bail in the event of arrest or on their 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, Sivakasi, on condition that the petitioners 2 to 4 shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a) the petitioners 2 to 4 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 2 to 4 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;

(c) the petitioners 2 to 4 shall not tamper with evidence or witness either during



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investigation or trial;

(d)the petitioners 2 to 4 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 2 to 4 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

8. In the result, this Petition is partly allowed.

sd/-
29/08/2024

/ TRUE COPY /

/ 09 /2024

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

LS

TO

1 THE JUDICIAL MAGISTRATE
NO II, SIVAKASI.

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2 DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 INSPECTOR OF POLICE
M. PUDUPATTI POLICE STATION,
VIRUDHUNAGAR 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.N.ANANDAKUMAR, Advocate (SR-10669[I] dated 30/08/2024)

ORDER
IN
CRL OP(MD) No.14217 of 2024
Date :29/08/2024

PSP/ GS /SAR /10.09.2024/ 5P/ 7C

Madurai Bench of Madras High Court is issuing certified
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