



CRL OP(MD). No.14567 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/09/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.14567 of 2024

Muthumanikandan,

... Petitioner/Unknown Accused

Vs

The Inspector of Police,
M.Pudupatti Police Station,
Virudhunagar District.
(Crime No.86 of 2024).

... Respondent/Complainant

For Petitioner : Mr.Marees Kumar.E,
Advocate.

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

PETITION FOR ANTICIPATORY BAIL Under Sec. 482 BNSS

PRAYER :-

For Anticipatory Bail in Crime No.86 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



CRL OP(MD). No.14567 of 2024

police for the offences punishable under Sections 303(2) of BNS, 2023 r/w. Section 21(1) MMDR Act, 1957 in Crime.No.86 of 2024, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner herein has illegally taken the Kanmai sand. Hence, the complaint.

3. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. side) 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.

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, Sivakasi 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



CRL OP(MD). No.14567 of 2024

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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.15,000/- (Rupees Fifteen Thousand only) to the credit of Headmistress, Government Higher Secondary School, Maharajapuram, Watrap Taluk, Virudhunagar District, (Account No.30596803302, CIF No; 85390730313, IFSC Code: SBIN0000921, State Bank of India, Srivilliputur Branch), 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.14567 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/-

02/09/2024

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Sub-Assistant Registrar

(C.S. I / II / III / IV)

Madurai Bench of Madras High Court,

Madurai - 625 023.

TRP

TO

1 THE JUDICIAL MAGISTRATE NO.II
SIVAKASI.

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

3 THE INSPECTOR OF POLICE
M.PUDUPATTI POLICE STATION, VIRUDHUNAGAR DISTRICT.



CRL OP(MD). No.14567 of 2024

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

COPY TO:
THE HEADMISTRESS,
GOVERNMENT HIGHER SECONDARY SCHOOL,
MAHARAJAPURAM, WATRAP TALUK,
VIRUDHUNAGAR DISTRICT

+1 CC to M/s.E.MAREESKUMAR, Advocate (SR-10781[I] dated 03/09/2024)

ORDER
IN
CRL OP(MD) No.14567 of 2024
Date :02/09/2024

SS/VR/SAR- /14/09/2024/5P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023