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CRL OP(MD). No.14922 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06.09.2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.14922 of 2024

V.Maharaja

... Petitioner/ Accused

Vs

The Inspector of Police,
Thiruppachethi Police Station,
Sivagangai District.
Crime No.144/2024.

... Respondent/ Complainant

For Petitioner : Mr.T.S.Mohamed Mohideen,
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.144 of 2024 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for the alleged offence under Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.144 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner had illegally transported four units of sand. Hence, the complaint.

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



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the case.

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4. Considering the facts and circumstances of the case and also considering the quantity of minerals involved, I am inclined to enlarge the petitioner on anticipatory bail with certain conditions.

5. Accordingly, this Petition is allowed and the petitioner is ordered to be released on bail in the event of his 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 District Munsif cum Judicial Magistrate, Thirupuvanam, 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:

(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.20,000/- (Rupees Twenty 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, Srivilliputhur



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Branch, Virudhunagar), without prejudice to his rights and contentions before the

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trial Court. Only upon deposit, the petitioner shall be enlarged on anticipatory bail;

[c]the petitioner shall report before the respondent police daily at 10.30 a.m, 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;

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

sd/-
06/09/2024

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/10/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
THIRUPUVANAM.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, SIVAGANGAI DISTRICT.

3 THE INSPECTOR OF POLICE,
THIRUPPACHETHI POLICE STATION,
SIVAGANGAI DISTRICT.

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.T.S.MOHAMED MOHIDHEEN, Advocate (SR-10977[I] dated
06/09/2024)



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ORDER

IN

CRL OP(MD) No.14922 of 2024

Date :06/09/2024

SA/JGB/SAR. /01.10.2024/5P/7C

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