



CRL OP(MD). No.14952 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06.09.2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

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1. Jothi
2. Mathavan
3. Ramachandran
4. Akbar

... Petitioners/ Accused Rank Not Known

Vs

**The Inspector of Police,
Devakottai Taluk Police Station,
Sivagangai District.
Crime No.207/2024.**

... Respondent/Complainant

For Petitioners : Mr.S.Vijayakumar,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.207 of 2024 on the file of the Respondent



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ORDER : The Court made the following order :-

The petitioners, who apprehends arrest at the hands of the respondent Police for the alleged offence under Sections 303(2) of BNS, 2023, r/w. 21(4) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.207 of 2024, seeks anticipatory bail.

2.The case of the prosecution is that on 28.08.2024, the respondent police received a secret information about sand theft. Based on the secret information, the respondent police reached the occurrence place. On seeing the police, the accused persons tried to escape from the scene of occurrence and the respondent police caught them. Hence, the complaint.

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

4.Considering the nature of antecedents which is mentioned as against the first petitioner, this petition is dismissed.

5.Insofar as the petitioners 2 to 4 are concerned, Considering the facts and circumstances of the case and also considering the quantity of minerals involved, I am inclined to enlarge the petitioners 2 to 4 on anticipatory bail with certain conditions.

6.Accordingly, this Petition is partly allowed and the petitioners 2 to 4 are



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ordered to be released on bail in the event of their arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Devakottai, on condition that the petitioner 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 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 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 are directed to deposit a sum of Rs.2,000/- (Rupees Two Thousand only) each, 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 Branch, Virudhunagar), without prejudice to their rights and contentions before the trial Court. Only upon deposit, the petitioners shall be enlarged on anticipatory bail;

[c] The petitioners 2 to 4 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;



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(d)the petitioners 2 to 4 shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioners 2 to 4 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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

/ TRUE COPY /

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

JBR

TO

1 THE JUDICIAL MAGISTRATE
DEVAKOTTAI.



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2 DO-THROUGH

THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.

3 THE INSPECTOR OF POLICE,
DEVAKOTTAI TALUK 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.S.VIJAYAKUMAR, Advocate (SR-10964[I] dated 06/09/2024)

ORDER
IN

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Date :06/09/2024

PSP/ JGB /SAR /25.09.2024/ 5P/ 7C

Madurai Bench of Madras High Court is issuing certified
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