



CRL OP(MD). No.15118 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/09/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.15118 of 2024

M Sivanpandian,

... Petitioner/ Accused No.3

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Vijayanarayanam Police Station,
Tirunelveli District.
Crime No. 208/2024.

... Respondent/Complainant

For Petitioner : M/s. Ebenezer.T.A,
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. 208 of 2024 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/ A3, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 303(2) BNS, 2023 and Section 21(4) of Mines and Minerals (Development & Regulation) Act, in Crime No.208 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused

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



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have illegally transported 5 units of pond sand (Kulathu Man). Hence, the complaint.

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3. Heard both sides.

4. Simultaneous application has been filed before the sessions court also and the petitioner undertakes to withdraw the same the same is recorded.

5. Considering the nature of the allegations, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner shall pay a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of Light Social Welfare Trust, Account No.310100140450002, IFSC Code: TMBL0000310 Tamilnadu Mercantile Bank, Arumuganeri, Thoothukudi District, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgement before the learned Judicial Magistrate, Nanguneri.

7. 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, Nanguneri, 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 two weeks 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/-
09/09/2024

/ TRUE COPY /

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



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DSS
TO
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1 THE JUDICIAL MAGISTRATE
NANGUNERI.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE,
VIJAYANARAYANAM POLICE STATION,
TIRUNELVELI 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.T.A.EBENEZER, Advocate (SR-11070[I] dated 10/09/2024)



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ORDER

IN

CRL OP(MD) No.15118 of 2024

Date :09/09/2024

SA/SG/SAR. /14.09.2024/5P/7C

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