



CRL OP(MD) No.15731 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/09/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.15731 of 2024

1. Kathiravan,

2. Sahaya Sundar,

... Petitioners/ Accused No.1 & 2

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Manimuthar Police Station,
Tirunelveli District.
Crime No. 105/2024.

... Respondent/Complainant

For Petitioners : Mr.G Kasinatha Durai,
Advocate.

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS / 438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No. 105 of 2024 on the file of the respondent Police.



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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 Sections 303(2) of BNS, 2023 r/w. 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.105 of 2024, seek anticipatory bail.

2.The case of the prosecution is that the petitioners herein had illegally transported 204 units of pond soil. Hence, the case.

3. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl. side) appearing for the respondent Police and perused the materials available on record.

4. Considering the nature of allegations that instead of removing the top soil, the petitioners removed huge quantities from the குளம் and considering the argument of the learned counsel for the petitioners that without prejudice to their contentions the petitioners are ready and willing to pay a sum of Rs.25,000/- each to the Government Treasury account number, which shall be utilized for strengthening the



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bunds of the குளம், I am inclined to enlarge the petitioners on bail.

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5. Accordingly, the petitioners are ordered to be released on bail in the event of their 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, Ambasamuthiram on condition that the petitioners 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 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) As per undertaken, the petitioners are directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each to the credit of Manimutharu Public Works Department, Treasury Account No. IFHRMS-0701-03-121-AB-29001 without prejudice to their rights and contentions before the trial Court;

(c) The concerned Public Works Department shall immediately inspect and

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spend this amount of Rs.50,000/- within a period of one month by strengthening the bund wherever necessary and takes such improvement works in the “குளம்,” so as to safeguard the “குளம்,”;

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

(e)the petitioners 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
23/09/2024

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/10/2024

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



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1. THE JUDICIAL MAGISTRATE, AMBASAMUTHIRAM
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
MANIMUTHAR POLICE STATION,
TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE OFFICER IN CHARGE,
MANIMUTHARU PUBLIC WORKS DEPARTMENT,
TIRUNELVELI

+1 CC to M/s.G.KASINATHA DURAI, Advocate (SR-11663[I] dated 24/09/2024)

ORDER
IN

CRL OP(MD) No.15731 of 2024

Date :23/09/2024

RK/MMS (10/10/2024) 5P / 7C

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