



CRL OP(MD). No.16056 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/09/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

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1. Ramesh,

2. Muthuraman,

... Petitioners/ Accused Nos.A2&A3

Vs

The State of Tamil Nadu Rep By,
The Inspector of Police,
Paramakudi Taluk Police Station,
Ramanathapuram District,
Cr.No.192 of 2024..

... Respondent/Complainant

For Petitioners : M/s.K.Lenin,
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.192 of 2024 on the file of the respondent police.



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ORDER: The Court made the following order :-

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The petitioners/ A2 & A3, who apprehend arrest at the hands of the respondent police for the offence punishable under Section Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957, and 303(2) of BNS, in Crime No.192 of 2024, seek anticipatory bail.

2.The case of the prosecution is the petitioners have illegally transported 3 units of river sand. Hence, the complaint.

3.Heard both sides.

4.Considering the averments that the second petitioner is involved in five previous cases of which, four are similar in nature, the case of illegal quarry of river sand is a serious offence and the person is repeatedly indulging in plundering of mother nature, he cannot be enlarged on anticipatory bail. Hence, this petition is dismissed insofar as the second petitioner is concerned.

5. As far as the first petitioner is concerned, considering the nature of the allegations and also considering the fact that there are no bad antecedents against the first petitioner, this Court is inclined to grant anticipatory bail to the first petitioner with certain conditions.

6.Accordingly, this petitioner is partly allowed and the first petitioner shall pay a sum of Rs.40,000/- (Rupees Forty Thousand only) to the credit of Headmaster,



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Government Higher Secondary School, G.Udayapatti, Kulithalai, Karur District,

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(Account No.31470991902, CIF No; 85896796279, IFSC Code: SBIN0000863, State Bank of India, Kulithalai Branch), without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgement before the learned Judicial Magistrate, Paramakudi, Ramanathapuram District.

7.On production of such receipt, the first 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, Paramakudi, Ramanathapuram District on condition that the first 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 first 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 first 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 first petitioner shall not tamper with evidence or witness either during investigation or trial;



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(d)the first 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 first petitioner in accordance with law as if the conditions have been imposed and the first 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/-
24/09/2024

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/10/2024

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

DSS

TO

- 1 THE JUDICIAL MAGISTRATE
PARAMAKUDI RAMANATHAPURAM DISTRICT..
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.



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3 THE INSPECTOR OF POLICE,
PARAMAKUDI TALUK POLICE STATION,
RAMANATHAPURAM DISTRICT,

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

COPY TO:
THE HEADMASTER,
GOVERNMENT HIGHER SECONDARY SCHOOL,
G.UDAYAPATTI, KULITHALAI, KARUR DISTRICT.

ORDER
IN
CRL OP(MD) No.16056 of 2024
Date :24/09/2024

SS/VR/SAR- /16/10/2024/5P/6C

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