



CRL OP(MD). No.16546 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/09/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

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1. Padmanaban,

2. Prabhu @ Loganathan,

3. Ananth,

4. Guru @ Gurumoorthy,

... Petitioners/ Accused No.1 to 4

Vs

The State of Tamilnadu,
Rep by the Inspector of Police,
Thanjavur Taluk Police Station,
Thanjavur District.
(Crime No.450 of 2024).

... Respondent/ Complainant

For Petitioner : Mr.Dhilipan Pandian R.L., 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.450 of 2024 on the file of the Respondent Police



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ORDER : The Court made the following order :-

The petitioners/ A1 to A4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 303(2) and 62 of BNS Act r/w 21(1) of Mines and Minerals (Development and Regulations) Act, 1957, in Crime No.450 of 2024 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners had attempted to transport the river sand illegally. Hence, the case.

3.Heard. Perused the materials available on record including the First Information Report.

4.Considering the fact that the case is serious in nature and the petitioners have attempted to illegally quarry sand from the Kollidam River and the first petitioner also has one previous case and only considering the fact that the other petitioners do not have any other antecedents and only give one last opportunity to the petitioners, this court is inclined to grant anticipatory bail to the petitioners with certain conditions:

5.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.II, Thanjavur,

Thanjavur District, on condition that the petitioners shall execute a bond for a sum of

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Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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] Without prejudice to their rights and contentions, the petitioners should file an affidavit that they will not be involved in any manner in the transport of quarrying of sand from the river, before the learned Magistrate. Upon such affidavit, the learned Magistrate shall accept the sureties.

[c] the petitioners 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 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

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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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
30/09/2024

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

SJI

TO

1 THE JUDICIAL MAGISTRATE
NO.II, THANJAVUR DISTRICT.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
THANJORE DISTRICT AT KUNBAKONAM.

3 THE INSPECTOR OF POLICE,
THANJAVUR TALUK POLICE STATION,
THANJAVUR DISTRICT.

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

+1 CC to M/s.R.L.DHILIPAN PANDIAN, Advocate (SR-12116[I] dated 03/10/2024)
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ORDER
IN
CRL OP(MD) No.16546 of 2024
Date :30/09/2024

PSP/ JGB /SAR /17.10.2024/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified
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