



CRL OP(MD). No.16734 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01.10.2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.16734 of 2024

1. Prathish
2. Viyayakumar
3. Kumar
4. Arul Raj

... Petitioners/ Accused Nos.1,2,4 & 5

Vs

The Inspector of Police,
Anjugramam Police Station,
Kanniyakumari District.
Crime No.425/2024.

... Respondent/Complainant

For Petitioners : Mr.M.R.Sreenivasan,
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.425 of 2024 on the file of the Respondent police.



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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, in Crime No.425 of 2024, seek anticipatory bail.

2. The case of the prosecution is that the petitioner had illegally transported one unit of M-sand. Hence, the complaint.

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

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

5. Accordingly, this Petition is allowed and the petitioners are 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



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Judicial Magistrate Court No.II, Nagercoil, Kanniyakumari District, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each, 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) the petitioners are directed to deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) to the credit of the Environmental Committee Operated by the Registrar (Judicial) [Account No.7633863037; MICR Code: 625019020, CIF No: 30602376727, IFSC Code: IDIB000H040, High Court Branch, Madurai (2001)], 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 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 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 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;

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
01/10/2024

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/10/2024

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

JBR



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TO
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- 1 THE JUDICIAL MAGISTRATE NO.II
NAGERCOIL, KANYAKUMARI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3 THE INSPECTOR OF POLICE,
ANJUGRAMAM POLICE STATION, KANYAKUMARI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:
THE SECTION OFFICER,
ACCOUNTS SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.M.R.SREENIVASAN, Advocate (SR-12016[I] dated 01/10/2024)

ORDER
IN
CRL OP(MD) No.16734 of 2024
Date :01/10/2024

SS/VR/SAR- /18/10/2024/ 5P/7C

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