



CRL OP(MD). No.17145 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/10/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.17145 of 2024

1.Vijukumar,

2. Satheesh,

... Petitioners/ Accused Nos.2 & 5

Vs

The State of Tamil Nadu,
Rep By,
The Inspector of Police,
Anjugramam Police Station,
Kanyakumari District.
Cr.No.423 of 2024..

... Respondent/Complainant

For Petitioners : Mr.Sreenivasan M.R.,
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.423 of 2024 on the file of the respondent police.



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ORDER : The Court made the following order :-

The petitioners/ A2 & A5, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 303(2) of the Bharatiya Nyaya Sanhita (BNSS), 2023, in Crime No.423 of 2024, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners herein and other accused had illegally transported sand. Hence, the complaint.

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

4.Considering the nature of allegations, I am inclined to enlarge the petitioners on anticipatory bail with certain conditions:

5.Accordingly, the petitioners shall pay a sum of Rs.10,000/- (Rupees Ten Thousand only) each to the credit of Environmental Committee Operated by



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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 and produce the receipt/acknowledgement before the Judicial Magistrate Court No.II, Nagercoil, Kanyakumari District.

6.On production of such receipt, 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 of receipt of a copy of this order, before the Judicial Magistrate Court No.II, Nagercoil, Kanyakumari District, 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 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 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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(c)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners 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 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;

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

sd/-
04/10/2024

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/10/2024

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

TSG



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TO

- 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-12299[I] dated 07/10/2024)

ORDER
IN
CRL OP(MD) No.17145 of 2024
Date :04/10/2024

SS/MMS/SAR- /23/10/2024/ 5P/7C

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