



CRL OP(MD). No.17191 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 17/10/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

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Senthilnathan

... Petitioner/ Accused No.1

Vs

The State of Tamilnadu,
Rep by the Inspector of Police,
Salaigramam Police Station,
Sivagangai District
(Crime No.80 of 2024.)

... Respondent/Complainant

For Petitioner : M/s.Balamuruganantham R, Advocate.

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.80 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 303(2) of BNS and 21(1)



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of the Mines and Minerals (Development and Regulation), Act 1957, in Crime No.80 of 2024, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner herein and other accused had illegally transported 30 units of Savudu sand. Hence, the complaint.

3. Heard both sides.

4. Considering the case is serious in nature as the petitioner is said to have quarried the earth without any license whatsoever, that too from the photograph it can be seen that to an extent of about 8 feet depth, totally involving around 900 units of earth, the learned counsel submits that it is only a Savudu sand and the petitioner can be mulcted with the appropriate cost, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

5.Accordingly, the petitioner shall pay a sum of Rs.60,000/- (Rupees Sixty Thousand only) to the credit of PAO, ASI, Hyderabad, (Account No.0606201022184, IFSC Code: CNRB0000606, Canara Bank, Hyderabad ABID Road Main, Post Bag No.4, 4-1-954, ABID Road, Hyderabad 500001) and the said amount shall be used for the purpose of preserving, cleaning and upkeep of the Monuments in and around the Madurai City, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgement before the concerned Court while executing the sureties.



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6. On production of such receipt, the 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 Judicial Magistrate, Ilayngudi, Sivagangai District on condition that the 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 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 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 petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the 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 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;



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

sd/-
17/10/2024

/ TRUE COPY /

/11/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

To

- 1.The Judicial Magistrate,
Ilayangudi, Sivagangai District.
- 2.Do through the Chief Judicial Magistrate,
Sivagangai District.
- 3.The Inspector of Police,
Salaigramam Police Station,
Sivagangai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to:

The Officer Incharge,
PAO, ASI,
Hyderabad.



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+1CC to M/s.R.BALAMURUGANANTHAM, Advocate, SR No.12593(I), dated
17.10.2024

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ORDER
IN
CRL OP(MD) No.17191 of 2024
Date :17/10/2024

ED/ MMS /SAR- (15/11/2024) 5P / 7C

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