



CRL OP(MD). No.17196 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

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Rajapandi

... Petitioner/ A2

Vs

The State of Tamilnadu,,
Rep by the Inspector of Police,
T.Kallupatti Police Station,
Madurai District
(Crime No.209 of 2024)

... Respondent/Complainant

For Petitioner : Mr.P.S.Nagarajan,
Advocate

For Respondent : Mr.R.M.Anbunithi
Addl. Public Prosecutor (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of Bharathiya Nagarik
Suraksha Sanhita (BNSS), 2023.



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PRAYER :-
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For Anticipatory Bail in Crime No.209 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 the Bharatiya Nyaya Sanhita (BNS), 2023 read with Section 4(1)(1A) and 21(1) of the Mines & Minerals (Development and Regulation) Act, 1957 in Crime.No.209 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner herein and other accused had illegally transported 5 units of gravel sand. Hence, the complaint.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor (Crl. Side) appearing for the respondent Police, and perused the materials available on record.

4. Considering the facts and circumstances of the case, and also considering the



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fact that the petitioner is ready and willing to deposit a sum of Rs.5,000/-, I am inclined to enlarge the petitioner on anticipatory bail with certain conditions.

5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Special Court to deal with the case of offences in contravention of the provisions of the Mines & Minerals Act, 1957, Madurai, Madurai 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 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 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) As per undertaken, the petitioner is directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of Environmental Committee operated by Registrar (Judicial) [Account No.7633863037,



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MICR Code : 625019020, CIF No. 30602376727, IFSC Code :

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IDIB000H040, High Court Branch, Madurai (2001)], without prejudice to his rights and contentions before the trial Court;

(c)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;

(d)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioner 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.



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State of Kerala [(2005) AIR SCW 5560]; and;

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(g)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 (CS-I/II/III/IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

mkn

TO

1.THE JUDGE, SPECIAL COURT TO DEAL WITH THE CASE OF OFFENCES IN
CONTRAVENTION OF THE PROVISIONS OF THE MINES & MINERALS ACT,
1957, MADURAI, MADURAI DISTRICT

2.THE INSPECTOR OF POLICE,
T.KALLUPATTI POLICE STATION, MADURAI DISTRICT

3.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.



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WEB COPY +1 CC to M/s.R.BALAMURUGANANTHAM, Advocate (SR-12323[I] dated 08/10/2024)

ORDER
IN
CRL OP(MD) No.17196 of 2024
Date :04/10/2024

RK/MMS (17/10/2024) 6P / 6C

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