



CRL OP(MD). No.17305 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/10/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

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1. Mari,

2. Nagaraj,

... Petitioners/ Accused Nos.1&2

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
Tirunelveli Taluk Police Station,
Tirunelveli District.
Crime No. 449/2024.

... Respondent/Complainant

For Petitioners : Mr.A.Balaji,
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. 449 of 2024 on the file of the Respondent police.



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ORDER : The Court made the following order :-

The petitioners/ A1 & A2, who apprehend arrest at the hands of the respondent police for the offence punishable under Section 303(2) of Bhartiya Nyaya Sanhita (BNS), 2023, in Crime No.449 of 2024, seek anticipatory bail.

2.The case of the prosecution is the petitioners have illegally transported 1 1/2 unit of river sand. Hence, the complaint.

3.Heard both sides.

4.Considering the nature of the allegations, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

5.Accordingly, the petitioners shall pay a sum of Rs.12,000/- (Rupees Twelve Thousand only) **each** 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) for the purpose of preserving, cleaning and upkeep of the Monuments in and around the Madurai



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City, without prejudice to his rights and contentions before the trial Court and
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produce the receipt/acknowledgement before the learned District Judicial
Magistrate No.III, Tirunelveli, Tirunelveli 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 learned District Judicial Magistrate No.III, Tirunelveli, Tirunelveli 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 am for a period of two weeks and thereafter, as and when required for interrogation;

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;



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(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/-
16/10/2024

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/10/2024

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

DSS

TO

- 1 THE DISTRICT JUDICIAL MAGISTRATE NO.III TIRUNELVELI
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, THIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
TIRUNELVELI TALUK POLICE STATION,
TIRUNELVELI DISTRICT.



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

COPY TO:
THE OFFICER INCHARGE,
CREDIT OF PAO,
ASI, HYDERABAD,

+1 CC to M/s.A.BALAJI, Advocate (SR-12478[I] dated 16/10/2024)

ORDER
IN
CRL OP(MD) No.17305 of 2024
Date :16/10/2024

SS/SVR/SAR- /28/10/2024/ 5P/7C

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