



CRL OP(MD). No.17626 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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1. L Ganesan,

2. M Subbukani,

3. S Pulogaraja,

4. K Boominatahn,

5. A Alagusundaram,

... Petitioners/ Accused No.1,8, and 11,12
and 5th Petitioner Rank not Known

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Thattaparai Police Station,
Thoothukudi District
Crime No.63 of 2024..

... Respondent/Complainant

For Petitioners : M/s.Banu Prasath P, Advocate.

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

PETITION FOR ANTICIPATORY BAIL UNDER SECTION 482 OF BNSS

PRAYER :-

For Anticipatory Bail in Crime No.63 of 2024 on the file of the Respondent Police.

<https://www.mhc.tn.gov.in/judis>



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ORDER: The Court made the following order :-

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The petitioners /Accused, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 303(2) and 62 BNS, 2023 in Crime No.63 of 2024, seek anticipatory bail.

2.The case of the prosecution is that the petitioners herein had illegally transported 1 unit of Kanmai Sand. Hence, the complaint.

3. Heard both sides.

4.Considering the nature of allegations that after getting permission to lift the top soil from one Kanmai they clandestinely tried to remove the top soil from another Kanmai that too with huge number of the vehicles and machineries, the case is serious in nature. However, only considering the submission of the learned counsel for the petitioners that at the beginning stage itself the attempt was thwarted, I am inclined to enlarge the petitioners on anticipatory bail to the petitioners with certain conditions.

5.Accordingly, the petitioners shall pay a sum of Rs.10,000/- (Rupees Ten 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) and the said amount shall be used for the purpose of preserving, cleaning and upkeep of the Monuments



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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.

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 District Munsif – cum - Judicial Magistrate, Ottapidaram, Thoothukudi 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 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;

(d) the petitioners shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial



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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/-
17/10/2024

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

TRP

TO

1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
OTTAPIDARAM, THOOTHUKUDI DISTRICT.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, TUTICORIN DISTRICT.

3 THE INSPECTOR OF POLICE,
THATTAPARAI POLICE STATION,
THOOTHUKUDI DISTRICT

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

<https://www.mhc.tn.gov.in/judis>



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THE OFFICER INCHARGE
PAO, ASI HYDERABAD.

+1. CC to BANU PRASATH P Advocate SR.No.12633(I) dated 18/10/2024

ORDER
IN
CRL OP(MD) No.17626 of 2024
Date :17/10/2024

PSP/ JGB /SAR /07.11.2024/ 5P/ 7C

Madurai Bench of Madras High Court is issuing certified
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