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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/10/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.18161 of 2024

S.Rajini

... Petitioner/5th Accused

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Uvari Police Station,
Uvari, Tirunelveli District.
Crime No. 175/2024.

... Respondent/Complainant

For Petitioner : M/s Pragalathan.N,
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.175 of 2024 on the file of the respondent Police.



ORDER : The Court made the following order :-

The petitioner/A5, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 303(2) of BNS and Section 21(4) of the Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.175 of 2024, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the other accused had illegally transported 13 units of Jalli stones.

3.Heard. Perused the materials available on record.

4.Considering the nature of the allegations in this case that the petitioner is said to have transported 13 units of Jalli stones in excess of the permitted quantity, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

5.Accordingly, the petitioner shall pay a sum of Rs.39,000/- (Rupees Thirty Nine 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) 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 learned Judicial Magistrate Court, Radhapuram, Tirunelveli District.



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 learned Judicial Magistrate Court, Radhapuram, Tirunelveli 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;



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

sd/-
22/10/2024

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

TO

- 1 THE JUDICIAL MAGISTRATE,
RADHAPURAM,
TIRUNELVELI DISTRICT.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
THIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
UVARI POLICE STATION, UVARI,
TIRUNELVELI DISTRICT.
- 4 THE PAO,
ASI, HYDERABAD.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



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ORDER

IN

CRL OP(MD) No.18161 of 2024

Date :22/10/2024

MGJ/SKN(15.11.2024) 5P 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023