



CRL OP(MD). No.18583 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/10/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.18583 of 2024

Nehru

... Petitioner/ Accused No.1

Vs

The State rep by its,
The Inspector of Police,
Natham Police Station,
Dindigul District.
(Crime No.467 of 2024).

... Respondent/ Complainant

For Petitioner : Mr.A.Arun Prasad,
Advocate.

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

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.467 of 2024 on the file of the respondent police.



CRL OP(MD). No.18583 of 2024

ORDER : The Court made the following order :-

WEB COPY

The petitioner/ A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 303(2) & 238(c) of BNS and Section 21(4) of Mines & Minerals (Development & Regulation) Act, 1957, in Crime No.467 of 2024, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the other accused are said to have illegally quarried the sand and thereafter tried to close the pit. Hence, the complaint.

3.Heard both sides.

4.Considering the fact that the accused persons were illegally quarrying the sand and the officials took measurement to calculate the loss to the government, and the petitioner is said to have levelled the pit and even though, earlier anticipatory bail petition was dismissed, now, considering the argument of the learned counsel for the petitioner that subsequently, the Authorities were able to take measurement and as a matter of fact, sum of Rs.10,38,250/- was imposed as fine and the same was already paid by the petitioner, and the said fact was verified by the learned Government



CRL OP(MD). No.18583 of 2024

Advocate (Crl.Side) that the pit has been measured and the fine being paid, this Court is inclined to grant anticipatory bail to the petitioner 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 Judicial Magistrate, Natham, Dindigul 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) the petitioner shall report before the respondent police daily at 10.30 a.m, for a period of one week 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



CRL OP(MD). No.18583 of 2024

WEB COPY

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/-
30/10/2024

/ TRUE COPY /

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

DSS

TO

1. THE JUDICIAL MAGISTRATE, NATHAM, DINDIGUL DISTRICT,
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL.
- 3.THE INSPECTOR OF POLICE,
NATHAM POLICE STATION,
DINDIGUL DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.A.ARUN PRASAD, Advocate (SR-13478[I] dated 30/10/2024)



WEB COPY



CRL OP(MD). No.18583 of 2024

ORDER

IN

CRL OP(MD) No.18583 of 2024

Date :30/10/2024

RK/VR (21/11/2024) 5P / 6C

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