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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25.10.2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD)No.18486 of 2024

1. T.Sekar
2. S.Tamilmani
3. Azhagappan

... Petitioners/ A-1 to A-3

Vs

The State Rep.by,
The Inspector of Police,
Sammattividuthi Police Station,
Pudukottai District.
(In Crime No.136 of 2024)

... Respondent/Complainant

For Petitioners: Mr.N.Kamesh
Advocate.

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

PRAYER :- For Anticipatory Bail in Crime No.136 of 2024 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners, who apprehends arrest at the hands of the respondent Police for the alleged offence under Sections 303(2) of BNS, 2023, r/w. 21(1) of Mines and



Minerals (Development & Regulation) Act, 1957, in Crime No.136 of 2024, seek anticipatory bail.

2.The case of the prosecution is that the petitioners had illegally transported one unit of kulathu sand. Hence, the complaint.

3.Heard the learned counsel on either side and perused the material records of the case.

4.Considering the facts and circumstances of the case and considering the quantity of minerals involved and also considering the argument of the learned Counsel for the petitioner that they got permission from the Tahsildar concerned to remove the top soil from the Kulam, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

5.Accordingly, this Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Alangudi, 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 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 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 a.m., for a period of one week and thereafter as and when required for interrogation. It is made clear that no relaxation of the condition for the said period will be entertained by this court;

(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 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/-

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



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TO

1. The Judicial Magistrate, Alangudi
2. Do Through
The Chief Judicial Magistrate,
Pudukkottai District.
3. The State Rep.by.
The Inspector of Police,
Sammattividuthi Police Station,
Pudukkottai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

CRL OP(MD) No.18486 of 2024
Date :25/10/2024

KVL/14.11.2024 4P/5C

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