



CRL OP(MD)No.18652 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 28.10.2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD)No.18652 of 2024

1. Elangovan  
2. Vennila

... Petitioners/ Accused No.1&2

Vs

The State rep by  
The Inspector of Police,  
Vattathikottai Police Station,  
Thanjavur District.  
(In Crime No.295 of 2024)

... Respondent/ Complainant

For Petitioners: Mr.M.Ramu,  
Advocate.

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

PRAYER :- For Anticipatory Bail in Crime No.295 of 2024 on the file of the Respondent police.



CRL OP(MD)No.18652 of 2024

ORDER: The Court made the following order :-

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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.295 of 2024, seek anticipatory bail.

2.The case of the prosecution is that the petitioners had illegally transported ½ unit of river 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 also considering the quantity of minerals involved, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

5.Accordingly, the petitioners shall pay a sum of Rs.4,000/- (Rupees Four Thousand only) each, to the credit of PAO, ASI, Hyderabad, (Account No.0606201022184, IFSC Code: CNRB0000606, Canara Bank, Hyderabad ABID Road



**CRL OP(MD)No.18652 of 2024**

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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 their rights and contentions before the trial Court and produce the receipt/acknowledgement before the Judicial Magistrate Court, Pattukkottai, Thanjavur 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 Judicial Magistrate Court, Pattukkottai, 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 his Aadhar card or Bank pass Book to ensure their identity;



CRL OP(MD)No.18652 of 2024

WEB COPY

(b)the 1<sup>st</sup> petitioner shall report before the respondent police daily at 10.30 am for a period of two weeks and the 2<sup>nd</sup> petitioner shall report before the respondent police daily at 10.30 am for a period of one week 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 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;



CRL OP(MD)No.18652 of 2024

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

sd/-  
28/10/2024

/ TRUE COPY /

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

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TO

1. The Judicial Magistrate,  
Pattukkottai.

2.Do-Through,  
The Judicial Magistrate,  
Thanjavur District at Kumbakonam.

3. The Inspector of Police,  
Vattathikottai Police Station,  
Thanjavur District.

4. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.



CRL OP(MD)No.18652 of 2024

Copy to:

The Pay and Accounts Officer,  
ASI, Hyderabad,

+1 CC to M/s.M.RAMU, Advocate ( SR-13284[I] dated 28/10/2024 )

ORDER

IN

CRL OP(MD) No.18652 of 2024

Date : 28.10.2024

SI -(25.11.2024) 6P/ 7C

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