



CRL OP(MD)No.18709 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29.10.2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

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1. Settu

2. Rajasekar

... Petitioners/ A-4 & 5

Vs

The Inspector of Police,
Budalur Police Station,
Thanjavur District.
(In Crime No.399 of 2024)

... Respondent/Complainant

For Petitioners : Mr.A.Sivasubramanian
Advocate.

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

PETITION FOR ANTICIPATORY BAIL Under Sec. 482 BNSS

PRAYER :- For Anticipatory Bail in Crime No.399 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



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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.399 of 2024, seek anticipatory bail.

2.The case of the prosecution is that the petitioners had illegally transported $\frac{1}{4}$ 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 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



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City, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgement before the Judicial Magistrate Court, Thiruvaiyar.

6.On production of such receipt, the petitioner is 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, Thiruvaiyar, 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;



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(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/-
29/10/2024

/ TRUE COPY /

/11/2024

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

JBR

TO

- 1 THE JUDICIAL MAGISTRATE,
THIRUVAIYAR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE,
BUDALUR POLICE STATION,
THANJAVUR DISTRICT.



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

COPY TO:
THE OFFICER INCHARGE,
CREDIT OF PAO, ASI, HYDERABAD.

ORDER
IN
CRL OP(MD) No.18709 of 2024
Date :29/10/2024

SS/VR/SAR- /19/11/2024/ 5P/6C

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