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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07.11.2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD). No.19183 of 2024

1.David

2.Prakash @ Pullandu

... Petitioner / Accused 1 & 2

Vs

The State of Tamil Nadu

Represented by the Inspector of Police,

Thanjavur Taluk Police Station,

Thanjavur District.

(Crime No.299 of 2024)

... Respondent/Complainant

For Petitioner : M/s.Dhilipan Pandian.R.L,

Advocate

For Respondent : Mr.Thanga Aravind.B,

Government Advocate

(Criminal Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS Act.

PRAYER :-

For Anticipatory Bail in Crime No.299/2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police



for the alleged offences under Sections 303(2) of BNS r/w. Section 21(1) of Mines and Minerals (Development Regulation) Act, 1957, in Crime No.299 of 2024 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioner had illegally transported 1/2 unit of river sand. Hence, the case.

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

4. The learned Government Advocate (Criminal Saide) submitted that the petitioners have been arrayed as A1 and A2.

5. Considering the nature of the allegations, this court is inclined to grant anticipatory bail to the petitioners with certain conditions:

6. Accordingly, the petitioner 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 on which the order copy made ready, before the learned Judicial Magistrate Court-II,

Thanjavur, Thanjavur 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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 are directed to deposit a sum of Rs.3,750/- (Rupees Three Thousand Seven Hundred and Fifty only) each to the credit of Madras High Court Madurai Bench, Advocate Clerk's Welfare Association, Madurai-625 023 (Indian Bank Saving Account No.496039124, IFSC Code: IDIB000H040), without prejudice to his rights and contentions before the trial Court. Only upon deposit, the learned Magistrate shall accept the sureties;

[c] the petitioners shall report before the respondent Police every Monday and Friday at 10.30 a.m. for a period of 6 weeks and thereafter, as and when required for interrogation.

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[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] 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 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
07/11/2024

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

pal



1 THE JUDICIAL MAGISTRATE
COURT - II, THANJAVUR, THANJAVUR DISTRICT.

2 DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE, THANJAVUR AT
KUMBAKONAM.

3 THE INSPECTOR OF POLICE
THANJAVUR TALUK POLICE STATION, THANJAVUR
DISTRICT.

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

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ADVOCATE CLERK'S WELFARE ASSOCIATION,
MADURAI BENCH OF MADRAS HIGH COURT,
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+1 CC to M/s.R.L.DHILIPAN PANDIAN, Advocate (SR-13702[I] dated 07/11/2024
)

CRL OP(MD) No.19183 of 2024
Date :07/11/2024

BV (14/11/2024) 5P/ 7C

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