



CRL OP(MD). No.19530 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/11/2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

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1. A. Rajan

2. Ajitha

... Petitioners/ Accused Rank not known

Vs

The State of Tamilnadu Rep.,
By, the Inspector of Police,
Ervadi Police Station,
Tirunelveli District.
(Crime No.446 of 2024).

... Respondent/ Complainant

For Petitioner : Mr.S. Vinayak, Advocate

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.446 of 2024 on the file of the Respondent Police.



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ORDER : The Court made the following order :-

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The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 303(2) and 62 of BNS (hereinafter referred to as new penal code) and 21(1) of Mines and Minerals (Development Regulation) Act, 1957, in Crime No.446 of 2024 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the accused persons were digging a rock to the extent of 20 feet length, 15 feet breadth and 7 feet Deep. On seeing the Police, they ran away from the scene of occurrence leaving behind the Hitachi Machine and one Tractor.

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

4. Taking into consideration of the facts and circumstances of the case and also considering that the Hitachi Machine and the Tractor has been seized and the excavated rock has also been seized and there are no previous cases pending against the petitioners, this court is inclined to grant anticipatory bail to the petitioners with



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certain conditions.

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5. Accordingly, this criminal original petition is ordered and 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 on which the order copy made ready, before the learned Judicial Magistrate, Nanguneri, 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 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 shall report before the respondent Police, daily at 05.30 p.m., until further orders.

[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].

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

sd/-
12/11/2024

/ TRUE COPY /

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

LR

TO

1. THE JUDICIAL MAGISTRATE,
NANGUNERI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

3. THE INSPECTOR OF POLICE,
ERVADI POLICE STATION,
TIRUNELVELI DISTRICT.



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

+1 CC to M/s.S.VINAYAK, Advocate (SR-13889[I] dated 12/11/2024)

ORDER
IN
CRL OP(MD) No.19530 of 2024
Date :12/11/2024

RK/ (25/11/2024) 5P / 6C

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