



CRL OP(MD). No.20622 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/11/2024

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

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Singapandi

... Petitioner/Unnamed Accused

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Eruvadi Police Station,
Tirunelveli District.
(Crime No. 446 of 2024).

... Respondent/Complainant

For Petitioner : Mr.R.Velmurugan,
Advocate.

For Respondent : Mr.B.Thanga Aravindh,
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.

<https://www.mhc.tn.gov.in/judis>



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ORDER : The Court made the following order :-

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The petitioner/accused, who apprehends arrest at the hands of the respondent Police for the offence under Sections 303 (2), 62 of BNSS, 2023 r/w 21(1)(iv) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.446 of 2024, on the file of the respondent Police, seeks 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 petitioner, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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5. Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Nanguneri, Tirunelveli 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 said Magistrate, on further condition that:

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled;

[b] the petitioner shall report before the respondent police daily at 05.30 p.m. until further orders;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court



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in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

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[f] if the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS 2023.

sd/-
27/11/2024

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/12/2024

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

TSG

TO

1.THE JUDICIAL MAGISTRATE, NANGUNERI, TIRUNELVELI DISTRICT,

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

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

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

+1 CC to M/s.R.VELMURUGAN, Advocate (SR-14568[I] dated 27/11/2024)

ORDER
IN

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Date :27/11/2024



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