



CRL OP(MD). No.20946 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/12/2024

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

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1. Murugesan

2. Prakash Pullandu

3. Deena @ Rajkumar

... Petitioners/ Accused No.1 TO 3

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Nadukaveri Police Station
Thanjavur District.
Crime No.504 of 2024.

... Respondent/Complainant

For Petitioners : Mr.Dhilipan Pandian R L,

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. 504 of 2024 on the file of the respondent Police.



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ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Section 21(4) of Mines and Minerals (Development Regulation) Act, 1957 and Section 303(2) BNS Act, in Crime No. 504 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the accused persons had illegally transported $\frac{1}{2}$ unit of river sand in a Tata vehicle. There are totally 3 accused persons and the petitioners have been arrayed as A1 to A3.

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

4. The learned Government Advocate (Criminal Saide), on instructions, submitted that the vehicle has been seized from the petitioners and the sand has also been seized by the respondent Police. He further submitted that the first petitioner is having four previous cases of similar nature and the second petitioner is having 10 previous cases, out of which, 3 cases are similar in nature. He further submitted



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that the third petitioner is not having any previous case against him.

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5.At this juncture, the learned counsel for the petitioners seeks permission to not press the petition in respect of A1 and A2 and has also made an endorsement to that effect.

6.Taking into consideration the facts and circumstances of the case and also of the fact that the vehicle and the sand have already been seized by the respondent Police and also considering the quantity of minerals involved, this court is inclined to grant anticipatory bail to the third petitioner with certain conditions:

7. Accordingly, the third petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Thiruvaiyaru, 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



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condition that:

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[a] the third petitioner 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 third petitioner is directed to deposit a sum of Rs.3,750/- (Rupees Three Thousand Seven Hundred and Fifty only) to the credit of the M/s. Tirunelveli Advocates Clerks Association, Indian Overseas Bank, Branch: District Court, Tirunelveli (Account No:-176601000003648, IFSC Code:-IOBA0001766, without prejudice to his rights and contentions before the trial Court. Only upon deposit, the learned Magistrate shall accept the sureties;

[c] the third petitioner shall appear before the respondent police as and when required for interrogation.

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

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



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Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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

sd/-
02/12/2024

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/12/2024

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

PNM

TO

- 1 THE JUDICIAL MAGISTRATE
THIRUVAIYARU, THANJAVUR DISTRICT.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE,
NADUKAVERI POLICE STATION
THANJAVUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:
THE OFFICER INCHARGE,
TIRUNELVELI ADVOCATES CLERKS ASSOCIATION,
TIRUNELVELI.



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+1 CC to M/s.R.L.DHILIPAN PANDIAN, Advocate (SR-14779[I] dated 02/12/2024)

ORDER
IN
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Date :02/12/2024

SS/VR/SAR- /12/12/2024/ 6P/7C

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