



CRL OP(MD). No.21285 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05.12.2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

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Sivabharathi

... Petitioner/ Accused Rank Not Known

Vs

The Inspector of Police,
Thogur Police Station,
Thanjavur District.
(Crime No.306 of 2024)

... Respondent / Complainant

For Petitioner : Mr.R.L.Dhilipan Pandian, Advocate

For Respondent : Mr.B.Thanga Aravind,
Government Advocate (Criminal Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.306 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehends 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.306 of 2024 on the file of



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the respondent police, seeks anticipatory bail.

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2. The case of the prosecution is that the petitioner had illegally transported 1/4 unit of river sand in a Bullock Cart. 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 Side), on instructions, submitted that the petitioner is the sole accused in this case and there are no previous cases against the petitioner.

5. Taking into consideration 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 petitioner with certain conditions:

6. Accordingly, the 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 Judicial Magistrate Court, 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 condition that:



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[a] the 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 petitioner shall deposit a sum of Rs.2,500/- (Rupees Two Thousand and Five Hundred 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 petitioner shall appear before the respondent police as and when required for interrogation.

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

[e] the 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 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 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/-
05/12/2024

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/12/2024

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

mkn
TO

1 THE JUDICIAL MAGISTRATE,
THIRUVAIYARU,
THANJAVUR DISTRICT.

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

3 THE INSPECTOR OF POLICE,
THOGUR 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,
DISTRICT COURT,
TIRUNELVELI.

+1 CC to M/s.R.L.DHILIPAN PANDIAN, Advocate (SR-15048[I] dated 06/12/2024)



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ORDER

IN

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Date :05/12/2024

RS/VR/SAR-(11.12.2024) 5P 7C

Madurai Bench of Madras High Court is issuing
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