



CRL OP(MD). No.10422 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/07/2024

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.10422 of 2024

Manikandan,

... Petitioner/ Accused No.2

Vs

The Inspector of Police,
Kulithalai Police Station
Karur District .
Cr No.456/2024..

... Respondent/ Complainant

For Petitioner : Vishnu V., Advocate.

For Respondent : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 482 of BNSS

PRAYER :-

For Anticipatory Bail in Cr No.456/2024 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/ A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 303(2) of BNS and Section 21(1) of Mines &

Minerals (Development & Regulation) Act, 1957, in Cr.No.456 of 2022, seeks

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



CRL OP(MD). No.10422 of 2024

anticipatory bail.

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

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that A1 was arrested and subsequently, released on bail. Hence, he prays for anticipatory bail.

4.The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner has illegally transported 1/2 unit of river sand worth about Rs.1,000/-. He would further submit that he is having 18 previous cases. Among them, 11 cases are similar in nature. Further, the investigation in this case is not yet completed. However, he fairly conceded that the co-accused (A1) already arrested and subsequently, released on bail.

5.Considering the facts and circumstances of the case and also considering the fact that the co-accused has already been released on bail, 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 his appearance, within a period of fifteen days from the date of receipt of a copy of

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CRL OP(MD). No.10422 of 2024

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this order, before the learned Judicial Magistrate No.2, Kulithalai, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

(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 report before the respondent police daily at 10.30 am 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 in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;



CRL OP(MD). No.10422 of 2024

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(f)if the accused thereafter absconds, a fresh FIR can be registered under Section

229-A IPC.

sd/-
12/07/2024

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/07/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS
TO

- 1 THE JUDICIAL MAGISTRATE NO.2 KULITHALAI.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, KARUR DISTRICT.
- 3 THE INSPECTOR OF POLICE
KULITHALAI POLICE STATION, KARUR DISTRICT .
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN

CRL OP(MD) No.10422 of 2024
Date :12/07/2024

PKP/JGB/SAR /22.07.2024/ 4P/ 5C
Madurai Bench of Madras High Court is issuing certified
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