



CRL OP(MD). No.17365 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 09/10/2024

PRESENT

The Hon`ble Mr.Justice K. RAJASEKAR

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Pandiaraja

... Petitioner / Accused Rank not known

Vs

The State of Tamil Nadu,
Rep by its Inspector of Police,
Seithur Police Station,
virudhunagar District.
(Crime No. 233/2024.)

... Respondent/Complainant

For Petitioner : Mr.N.Balasubramanian,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. 233 of 2024 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the
respondent police for the offences punishable under Sections 303(2) of BNS and



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Section 21(4) of Mines and Minerals (Development and Regulation) Act, 1957 in
Crime.No.233 of 2024, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner herein and other accused had illegally transported Kanmai sand by using the vehicle bearing No.TN 76 AF 8064 and TN 79 F 4739. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case and he prays for granting anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent Police would submit that the petitioner herein mis-used the transit pass, which was obtained for quarrying the sand from Kanmai, for commercial purpose. He would further submit that after seeing the police officials they have dumped the dumped the sand in Kanmai and the petitioner herein is having one previous case in similar nature and prays for dismissal of this petition.

5. Considering the nature of allegation against the petitioner and that the petitioner herein has unloaded the sand in Kanmai, I am inclined to enlarge petitioner on anticipatory bail with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest



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or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Rajapalayam on condition that the petitioner shall execute a bond for a sum of Rs.15,000/- (Rupees Fifteen 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 for a period of two weeks and thereafter, as and when required for interrogation;

(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;



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(f)if the accused thereafter absconds, a fresh FIR can be registered under
Section 229-A IPC.

sd/-
09/10/2024

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/10/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

To

1.The Judicial Magistrate,
Rajapalayam.

2.Do through the Chief Judicial Magistrate,
Virudhunagar District at Srivilliputhur.

3.The Inspector of Police,
Seithur Police Station,
Virudhunagar District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.N.BALASUBRAMANIAN, Advocate (SR-12387[I] dated
14/10/2024)

ORDER
IN
CRL OP(MD) No.17365 of 2024
Date :09/10/2024



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ED/ VR /SAR- (16/10/2024) 5P / 6C

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