



CRL OP(MD). No.18895 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/11/2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD). No.18895 of 2024

Muniyasamy

... Petitioner/Sole Accused

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Peraiyur Police Station,
Ramanathapuram District.
Crime No.80 of 2024.

... Respondent/Complainant

For Petitioner : Mr.Raghumankhan M.,
Advocate.

For Respondent : Mr.A.Albert James,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No. 80 of 2024 on the file of the respondent Police.



CRL OP(MD). No.18895 of 2024

ORDER : The Court made the following order :-

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The petitioner / Sole Accused, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 303 (2) of BNS, 2023 r/w Section 21 (1) of the Mines and Minerals (Development and Regulation Act), 1957 in Crime No.80 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the accused person, who is the driver-cum-owner of the Tractor unloaded one unit of river sand in a particular place and on seeing the authorities, he escaped from the place along with that vehicle.

3. The learned Government Advocate (Criminal Side) appearing for the respondent Police submitted that there are three previous cases pending against the petitioner and that the petitioner is regularly involved in such offence. That apart, the petitioner is absconding.

4. Per contra, learned counsel appearing for the petitioner submitted that a false case is now foisted against the petitioner only on the ground that there are previous cases against the petitioner. Learned counsel appearing for the petitioner further submitted that the petitioner has nothing to do with the alleged offence.



CRL OP(MD). No.18895 of 2024

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5. In the considered view of this Court, the incident has taken place on 22.09.2024 and till date, the vehicle has not been identified and seized by the Police. Unless the vehicle is identified and seized, it is not known as to how the respondent Police has fixed the petitioner as the accused person in this case.

6. Considering the facts and circumstances of the case and also of the fact that till date, the respondent Police has not even identified the vehicle that was involved in the alleged crime, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions.

7. 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, Kamudhi, Ramanathapuram 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.



CRL OP(MD). No.18895 of 2024

WEB COPY

[b] the petitioner shall report before the respondent police 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;

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

sd/-
05/11/2024

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/11/2024

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

TSG



CRL OP(MD). No.18895 of 2024

TO

1. THE JUDICIAL MAGISTRATE, KAMUDHI, RAMANATHAPURAM DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.

3. THE INSPECTOR OF POLICE,
PERAIYUR POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

+1 CC to M/s.K.DINESH, Advocate (SR-13693[I] dated 07/11/2024)

ORDER

IN

CRL OP(MD) No.18895 of 2024

Date :05/11/2024

RK/VR (23/11/2024) 5P / 6C

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