



CRL OP(MD). No.20859 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/11/2024

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL OP(MD). No.20859 of 2024

Syed Ibrahim

... Petitioner/ Accused No.2

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Ayyampettai Police Station,
Thanjavur District.
(Crime No. 952 of 2024).

... Respondent/ Complainant

For Petitioner : Mr.C.Senthil Murugan,
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. 952 of 2024 on the file of the Respondent police.



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ORDER : The Court made the following order :-

The petitioner / Accused No.2, who apprehends arrest at the hands of the respondent Police for the offence under Section 303(2) of BNS and Section 21(6) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.952 of 2024 on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner has illegally transported three units of M-sand in a Ashok Leyland Lorry without any valid license.

3. The learned counsel appearing for the petitioner submitted that the petitioner has nothing to do with the offence.

4. The learned Government Advocate (Criminal Side) appearing for the respondent Police submitted that there are no previous cases pending against the petitioner.

5. Taking into consideration the facts and circumstances of the case and considering the fact that there are no previous cases pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions.



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6. 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 No.III, Thanjavur 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;

[b] the petitioner shall pay a sum of Rs.2,000/- (Rupees Two Thousand only) to the credit of the M/S. TIRUNELVELI ADVOCATES CLERKS ASSOCIATION (Account No:- 176601000003648, IFSC Code:-IOBA0001766, Indian Bank, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgement before the learned Judicial Magistrate No.III, Thanjavur

[c] the petitioner shall report 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;



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[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]*; and;

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

sd/-
29/11/2024

/ TRUE COPY /

/12/2024

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

TSG

TO

1 THE JUDICIAL MAGISTRATE NO.III
THANJAVUR.

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



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3 THE INSPECTOR OF POLICE,
 AYYAMPETTAI 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.

ORDER
 IN
 CRL OP(MD) No.20859 of 2024
 Date :29/11/2024

SS/VR/SAR- /04/12/2024/ 5P/6C

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