



CRL OP(MD). No.23017 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/12/2024

PRESENT

The HONOURABLE MR. JUSTICE P. DHANABAL

CRL OP(MD). No.23017 of 2024

Palanisamy @ Kolukattai

... Petitioner/Sole Accused

Vs.

The State of Tamil Nadu,,
Rep. By, the Inspector of Police,
Thirukattupalli Police Station,
Thanjavur District.
Crime No.434 of 2024..

... Respondent/Complainant

For Petitioner : M/s.R.L.Dhilipanpandian,
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.434 of 2024 on the file of the Respondent Police.



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ORDER : The Court made the following order :-

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The petitioner/accused who apprehends arrest at the hands of the respondent police for the offences punishable under sections 303(2) of Bharatiya Nyaya Sanhita, 2023 and 21(1) of Mines & Minerals (Development & Regulation) Act, in Crime No.434 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 20.09.2024, the petitioner has illegally transported $\frac{1}{4}$ unit of river sand by using bullock cart without any valid permission. 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 and he has not committed any offences as alleged in the FIR and he is ready to offer sureties and to abide any condition, if any, imposed by this Court.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner has illegally transported $\frac{1}{4}$ unit of river sand without any valid permission and that he is having one previous case. Hence, he strongly opposed to grant anticipatory bail to the petitioner.



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5. Heard. Perused the materials available on record including the First Information Report.

6. Considering the rival submissions on either side, considering the nature of offences, the quantity of material involved in this case and also considering the fact that though the petitioner is having one previous case, bail was granted in that case, I am inclined to grant anticipatory bail to the petitioner subject to the following conditions:-

7. 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 learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent police on every Saturday at 10.30 a.m., for a period of four weeks.



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[b] the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade her from disclosing such facts to the Court or to any police officer;

[c] the petitioner shall not leave India without the previous permission of the Court;

[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].

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 269 B.N.S.2023.

sd/-
27/12/2024

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/01/2025

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

rmi



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TO
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1. THE JUDICIAL MAGISTRATE, THIRUVAIYARU, THANJAVUR DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR @ KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
THIRUKATTUPALLI POLICE STATION,
THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 cc to MR.R.L.DHILIPAN PANDIAN, Advocate SR no.15957 dated 31.12.2024

ORDER
IN
CRL OP(MD) No.23017 of 2024
Date :27/12/2024

RK/SKN (02/01/2025) 5P / 6C

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