



CRL OP(MD). No.23084 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/12/2024

PRESENT

The HONOURABLE MR. JUSTICE P. DHANABAL

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A.Guna Balaji,
S/o.Alagar

... Petitioner/ Accused No.1

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Sayalkudi Police Station,
Ramanathapuram District
Crime No.299/2024.

... Respondent/ Complainant

For Petitioner : Mr.S.Nihar Ali,
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 Crime No.299/2024 on the file of the respondent Police.



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ORDER : The Court made the following order :-

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The petitioner/ A1, who apprehends arrest at the hands of the respondent for the offences punishable under section 303(2) of BNS, 2023 read with Section 21(1) of Mines & Minerals (Development & Regulation) Act, 1957 in Crime No.299 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 28.10.2024 at 07.00 a.m., based on a secret information, the de-facto complainant, along with two constables, had intercepted a tractor near S.Keeranthai Bus Stop. When the said vehicle was searched, it was found that the petitioner had illegally transported 1 unit of river sand without any license. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person, and he has been falsely implicated in this case. He has not committed any offence as alleged by the prosecution.

4. The learned Government Advocate (Crl. Side) would submit that the petitioner had illegally transported one unit of river sand in a tractor, and he has been arrayed as A1 in this case, and there are nine previous cases as against the petitioner,



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out of which, three cases are similar in nature and all other cases are IPC offences.

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Hence, he strongly opposed to grant anticipatory bail to the petitioner.

5. Heard both sides, and perused the materials available on record.

6. Considering the representations made by the learned counsel on either side, and considering the nature of offences charged against the petitioner, and the quantity involved in this case though the petitioner has previous cases all those cases are not similar kind of offences and in all cases, bail was granted to him, I am inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on anticipatory bail on condition to 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 Judicial Magistrate, Kadaladi.

[b] the petitioner shall report before the Manamadurai Police Station Police daily at 10.00 A.M. for a period of thirty days and thereafter, as and when required for the interrogation.



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[c] the petitioner shall not commit any offences of similar nature.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Judicial 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].

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

sd/-
27/12/2024

/ TRUE COPY /

/01/2025

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

cm/mkn

TO

1.THE JUDICIAL MAGISTRATE, KADALADI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM.

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



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

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

COPY TO

THE INSPECTOR OF POLICE,
MANAMADURAI POLICE STATION, MANAMADURAI.

+1 CC to M/s.S.NIHAR ALI, Advocate (SR-15944[I] dated 30/12/2024)

ORDER
IN
CRL OP(MD) No.23084 of 2024
Date :27/12/2024

RK/SKN(02/01/2025) 5P / 7C

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