



CRL OP(MD). No.23089 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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Ajithkumar

... Petitioner/ Accused No.2

Vs.

The State of Tamilnadu,
Rep. by the Inspector of Police,
Kumbakonam Taluk Police Station,
Thanjavur.
(Crime No. 629/2024.)

... Respondent/Complainant

For Petitioner : Mr.K.Thenrajan, 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. 629 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/ A2, who apprehends arrest at the hands of the respondent for the offences punishable under section 303(2) of BNS Act and Section 21(1) of Mines and Minerals (Development and Regulations) Act, 1957 in Crime No.629 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was found in illegal possession of 3 units of small pebbles in Lorry Bearing Number TN-31-AS-7466. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he was falsely implicated in this case. He has not committed any offence as alleged by the prosecution. The petitioner is the owner of the lorry and he is no way connected in this case.

4. The learned Government Advocate (Crl. Side) submits that the petitioner was found in illegal possession of 3 units of small pebbles and the petitioner is having five previous cases, out of which four cases are in similar nature. He therefore strongly objected for grant of anticipatory bail to the petitioner.

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

6. Considering the rival submissions on either side, considering the nature of offences charged against the petitioner and quantity involved in this case. Though



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the petitioner is having five previous cases, all cases are not similar in nature and in all cases bail was granted to him and also considering the facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioner, 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 Judicial Magistrate Court No.II, Kumbakonam, and on further conditions that:

[b] the petitioner shall report before the Seerkali police station for a period of thirty days at 10.00 a.m and thereafter as and when required for interrogation.

[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].



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[g] If the accused thereafter absconds, a fresh FIR can be registered under

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Section 269 B.N.S.

sd/-
27/12/2024

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/12/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

MKN/CM

To

- 1.The Judicial Magistrate No.II,
Kumbakonam.
- 2.Do through the Chief Judicial Magistrate,
Thanjavur District at Kumbakonam.
- 3.The Inspector of Police,
Kumbakonam Taluk Police Station,
Thanjavur.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to:

The Inspector of Police,
Seerkali Police Station.

+1 CC to M/s.K.THENRAJAN, Advocate (SR-15899[I] dated 27/12/2024)



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ORDER

IN

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Date :27/12/2024

ED/ SKN /SAR- (31/12/2024) 5P / 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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