



CRL OP(MD). No.23101 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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Rajesh

... Petitioner/ Accused Rank not known

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Koodankulam Police Station,
Tirunelveli District
(Crime No.570/2024.)

... Respondent/Complainant

For Petitioner : Mr.S.Arun Kumar, 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.570/2024 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/ Accused, 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)



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of Mines & Minerals (Development & Regulation) Act, 1957 in Crime No.570 of 2024

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on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 23.12.2024, when the respondent police and his men were conducting routine checkup, they intercepted a vehicle bearing Registration No.TN-65-AJ-2733. When the said vehicle was searched, it was found that the petitioner had illegally transported 2 units of pond sand without any permission or 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 two units of pond sand, and there is one previous case of IPC offence as against the petitioner. 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 considering the fact that though there is one previous case as against the petitioner, but not of this nature, and also taking note of the quantity of material involved in



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this 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, Radhapuram.

[b] the petitioner shall report before the respondent Police on every saturday at 10.00 A.M. for a period of four weeks and thereafter, as and when required for the 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



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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

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/01/2025
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CM/MKN

To

1.The Judicial Magistrate,
Radhapuram.

2.Do through the Chief Judicial Magistrate,
Tirunelveli District.

3.The Inspector of Police,
Koodankulam Police Station,
Tirunelveli District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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+1 CC to M/s.P.SURESH, Advocate (SR-15915[I] dated 27/12/2024)

ORDER
IN
CRL OP(MD) No.23101 of 2024
Date :27/12/2024

ED/SKN /SAR- (02/01/2025) 5P / 6C

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