



CRL OP(MD). No.23106 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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Prakash

... Petitioner/1st Accused

Vs.

The State of Tamilnadu,
Rep by the Inspector of Police,
Lalgudi Police Station,
Trichy District.
Crime No.468 of 2024.

... Respondent/Complainant

For Petitioner : M/s.T.Lenin 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.468 of 2024 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who apprehends arrest at the hands of the respondent for the offences punishable under section 303(2) of BNS Act, 2023 r/w Section 21(1) of Mines and Minerals (Development and Regulations) Act, 1957 in Crime No.468 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner illegally transported 1 unit of sand in Mahindra Bolero pick up van bearing registration No. TN-48-P-4631. Hence,



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the case.

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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 vehicle and he is no way connected in this case.

4. The learned Government Advocate (Crl. Side) submits that the petitioner illegally transported 1 unit of sand in Mahindra Bolero pick up van and the petitioner is having three previous cases and the vehicle was already seized by the authorities. 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 the quantity involved in this case and also considering the fact that though the petitioner is having three previous cases, in all cases, bail was granted to him and the vehicle was also seized by the authorities, 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)



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with two sureties each for a like sum to the satisfaction of the Judicial Magistrate Court, Lalgudi, and on further conditions that:

[b] the petitioner shall report before the Musiri police station daily at 10.00 a.m for a period of thirty days 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].

[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.



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TO

WEB COPY

1 THE JUDICIAL MAGISTRATE, LALGUDI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.

3 THE INSPECTOR OF POLICE, LALGUDI POLICE STATION, TRICHY DISTRICT.

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

COPY TO

THE INSPECTOR OF POLICE
MUSIRI POLICE STATION, MUSIRI.

+1 CC to M/s.T.LENIN KUMAR, Advocate (SR-15940[I] dated 30/12/2024)

ORDER
IN

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Date :27/12/2024

RS/SKN/SAR-(02.01.2025) 4P 7C

Madurai Bench of Madras High Court is issuing
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