



CRL OP(MD). No.23104 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

CRL OP(MD). No.23104 of 2024

D.Ramanathan

... Petitioner/ Accused No.9

Vs

The State of Tamil Nadu,
Rep By, The Inspector of Police,
Kallal Police Station,
Sivagangai District,
Cr.No.146 of 2024..

... Respondent/Complainant

For Petitioner : M/s.S.Sundarapandian,
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.146 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 No.9, who apprehends arrest at the hands of the respondent for the offences punishable under Sections 303 (2) of BNS, 2023 and Section 21(4) of the Mines and Minerals (Development & Regulation) Act, 1957, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner committed theft 2 ½ units of sand. Hence, the case.

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 offence as alleged by the prosecution.

4. The learned Government Advocate (Crl. Side) would submit that the petitioner had committed theft of two units of sand and the investigation is at initial stage and he submitted that there is one previous criminal case similar in nature is pending against the petitioner and only based on the confession statement of the co-accused, the petitioner has been implicated in this case and the co-accused has already been released on bail. However, he opposed to grant anticipatory bail to the



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

6. Considering the rival submissions on either side and the nature of offences charged against the petitioner, the fact that only based on the confession statement of the co-accused, the petitioner has been implicated in this case, that the co-accused has already been released on bail, that there is no direct connection for the petitioner with the alleged offence and that though the petitioner has one previous case similar in nature, he has been granted bail in that 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 bonds 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, Karaikudi, and on further conditions that:

[b] the petitioner shall report before the respondent police 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.



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[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 abscond, 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 (CS-I / II /III/ IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SM

TO

1. The Judicial Magistrate, Karaikudi,
2. Do-Through The Chief Judicial Magistrate,
Sivagangai District.



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3. The Inspector of Police,
Kallal Police Station,
Sivagangai District,

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

ORDER
IN
CRL OP(MD) No.23104 of 2024
Date :27/12/2024

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

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