



CRL OP(MD). No.23151 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/3rd Accused

Vs.

The State of Tamilnadu,
Rep by the Inspector of Police,
Samayapuram Police Station,
Trichy District.
(Crime No.364 of 2024)

... Respondent/Complainant

For Petitioner : Mr.Lenin Kumar, Advocate

For Respondent : Mr.M.Vaikkam Karunanithi
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL UNDER SECTION 482 OF BNSS

PRAYER :-

For Anticipatory Bail in Crime No. 364 of 2024 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/ A3, 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



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and Minerals (Development and Regulations) Act, 1957 in Crime No.364 of 2024 on the file of the respondent police, seeks anticipatory bail.

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2. The case of the prosecution is that on 25.11.2024 at about 03.00 a.m., the de-facto complainant, on secret information, had conducted a check up, and it was found that the accused were loading 2 units of river sand in a lorry bearing registration No.TN-07-E-4082 by using a JCB bearing registration No.TN-48-BC-3159 - 3DX. 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. Hence, he prayed to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) submits that the de-facto complainant, on secret information, had conducted a check up, and it was found that the accused were loading 2 units of river sand in a lorry bearing registration No.TN-07-E-4082 by using a JCB bearing registration No.TN-48-BC-3159 - 3DX. He further submits that the petitioner has been arrayed as A3 in this case, and the petitioner is having three previous cases, and the vehicles have already been seized by the authorities. He, therefore, strongly objected for grant of anticipatory bail to the petitioner.



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

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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 though the petitioner has previous cases pending against him, all the 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 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 No.III, Trichy.

[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



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released on bail by the learned Magistrate/Trial Court himself as laid down by the

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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
Madurai Bench of Madras High Court,
Madurai - 625 023.

CM

TO

1 THE JUDICIAL MAGISTRATE
NO.III, TRICHY.

2 DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE, TRICHY.

3 THE INSPECTOR OF POLICE,
SAMAYAPURAM 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

<https://www.hnjc.tri.gov.in/judis>



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+1 CC to M/s.T.LENIN KUMAR, Advocate (SR-15939[I] dated 30/12/2024)

ORDER
IN
CRL OP(MD) No.23151 of 2024
Date :27/12/2024

PSP/ SKN /SAR /03.01.2025/ 5P/ 7C

Madurai Bench of Madras High Court is issuing certified
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