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CrI.OP.No.1173 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CrI.O.P. No.1173 of 2025

R.Rajesh

... Petitioner

Vs.

State rep. by
The Inspector of Police,
Deevattipatti Police Station,
Salem District.
[Crime No.636 of 2024]

... Respondent

PRAYER: Criminal Original Petitions filed under Section 482 of BNSS, 2023, pleaded to enlarge the petitioner on bail in the event of his arrest in connection with Crime No.636 of 2024, on the file of the respondent.

For Petitioner : Mr.Camyles Gandhi
For Respondent : Mr.S.Santhosh
Government Advocate (CrI.Side)

ORDER

The petitioner, who apprehend arrest at the hands of the respondent police for the alleged offences under Section 21(1), 21(4) of Mines & Minerals



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(Development & Regulation) Act 1957 and Section 303(2) of BNS Act, in Crime No.636 of 2024, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioner illegally transported one unit of stone in Tractor bearing Registration No.TN-30-AY-0655 without any valid license. Hence, the complaint.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. The petitioner has been falsely implicated in this case. However, on instructions, the learned counsel further submits that the petitioner is ready and willing to abide by any conditions that may be imposed by this Court and he prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit the petitioner illegally transported 3 units of stone without any valid license. Hence, he opposed for grant of anticipatory bail to the petitioner.



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5.Considering the representations made by both sides and considering the nature of offences charged against the petitioner, this Court is inclined to grant **anticipatory bail** to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the **Judicial Magistrate, Omalur** on condition that the petitioner shall 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioner shall report **before the respondent police daily at 10.30 A.M. until further orders.**

[b] the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts of the Court or to any police officer.



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[c] the petitioner shall not leave India without the previous permission of the Court.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall make himself/herself available for interrogation by a police officer as and when required.

[f] On breach of any of the aforesaid conditions, the learned 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 petitioner thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

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To:

- 1.The Judicial Magistrate,
Omalur.
- 2.The Inspector of Police,
Deevattipatti Police Station,
Salem District.
- 3.The Public Prosecutor,
High Court of Madras.



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G.R.SWAMINATHAN, J.

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