



CRL OP(MD). No.9743 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/06/2025

PRESENT

THE HONOURABLE MR. JUSTICE P. VADAMALAI

CRL OP(MD). No.9743 of 2025

P.Rajesh,
S/o.Palanichamy

... Petitioner/ Accused

Vs

The State of Tamil Nadu,
Rep. by, the Inspector of Police,
Kadamalaigundu Police Station,
Theni District.
(Crime No.327 of 2024)

... Respondent/ Complainant

For Petitioner : Mr.K.Prakash,
Advocate

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS



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PRAYER :-

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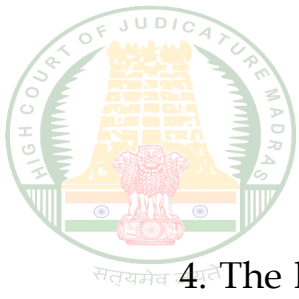
For Anticipatory Bail in Crime No.327 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under section 303(2) of BNS, 2023 r/w. Section 21 (4) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.327 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the accused persons have illegally transported 3 units of stream sand using a tipper lorry. Hence, a case has been registered.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person, and has not committed any offence as alleged by the prosecution. He has been falsely implicated in this case. He further submits that the co-accused has been arrested and subsequently released on bail. Hence, he seeks anticipatory bail.



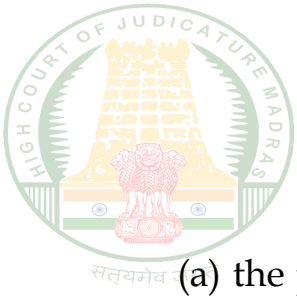
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4. The learned Government Advocate (Crl. side) submits that there are totally two accused persons in this case and the petitioner has been arrayed as A2. A1 has been arrested and subsequently released on bail. However, he opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration of the facts and circumstances of the case and the nature of the offence, and also considering the fact that the co-accused has been arrested and released on bail, 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 days from the date on which the order copy made ready, before the learned Judicial Magistrate, Aundipatti, Theni District, 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 Judicial Magistrate, Aundipatti, Theni District, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:



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(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall deposit a sum of Rs.7,500/- (Rupees Seven Thousand and Five Hundred only) to the credit of the District Mineral Foundation Trust, Theni District as Non-refundable deposit and on such deposit being made, the learned Judicial Magistrate, Aundipatti, Theni District shall accept the sureties furnished by the petitioner;

(c) the petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate, Aundipatti, Theni District. In the event of any change in his residential address, the petitioner shall report the same to the learned Judicial Magistrate, Aundipatti, Theni District;

(d) the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(e) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f) the petitioner shall not abscond either during investigation or trial;

(g) 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



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law as if the conditions have been imposed and the petitioner released on bail by the
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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] and;

(h) if the accused/petitioner thereafter abscond, a fresh FIR can be registered
under Section 269 of BNS, 2023.

sd/-
12/06/2025

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/06/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

mkn
TO

1.THE JUDICIAL MAGISTRATE,
AUNDIPATTI, THENI DISTRICT.

2.DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

3.THE INSPECTOR OF POLICE,
KADAMALAIGUNDU POLICE STATION,
THENI DISTRICT.

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

COPY TO

THE OFFICER INCHARGE,
THE DISTRICT MINERAL FOUNDATION TRUST,
THENI DISTRICT.

<https://www.mhc.tn.gov.in/judis>



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WEB COPY +1 CC to M/s.K.PRAKASH, Advocate (SR-6262[I] dated 13/06/2025)

ORDER
IN

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Date :12/06/2025

HPS/20.06.2025 /6P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023