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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/01/2025

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL OP(MD). No.23150 of 2024

Ramasamy,
S/o.Subramanian,
9/10E, Captain Lakshmi Street,
Nattarasankottai,
Sivagangai,
Sivagangai District.

... Petitioner/Accused No.2

Vs

The State of Tamil Nadu,
Rep.by, the Inspector of Police,
Kalaiyarkovil Police Station,
Sivagangai District.
(In Crime No.463 of 2024).

... Respondent/Complainant

For Petitioner : Mr.Balamuruganantham R,
Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS



PRAYER:-

For Anticipatory Bail in Crime No.463 of 2024 on the file of the Respondent Police.

ORDER: The Court made the following order :-

The petitioner/ Accused No.2, who apprehends arrest at the hands of the respondent police for the offences punishable under sections 303 (1) of BNS and Section 21(4) of the Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.463 of 2024, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner had illegally transported six units of savadu sand in a Tarrus Lorry. There are totally two accused persons in this case and the petitioner has been arrayed as Accused No.2.

3. Heard the learned counsel on either side and perused the material records of the case.

4. The learned Government Advocate (Criminal Side) appearing for the respondent Police on instructions submitted that there is one previous case against the petitioner.



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5. Considering the nature of the allegations and taking note of the fact that there is one previous case 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 anticipatory 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 No.I, Sivagangai, Sivagangai 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 Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[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.



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[b] the petitioner is directed to deposit a sum of Rs.2500/- (Rupees Two Thousand and Five Hundred only) to the credit of Madras High Court Madurai Bench, Advocate Clerk's Welfare Association, Madurai-625 023 (Indian Bank Saving Account No.496039124, IFSC Code: IDIB000H040), without prejudice to his rights and contentions before the trial Court. Only upon deposit, the learned Magistrate shall accept the sureties;

[c] the petitioner shall report before the respondent Police as and when required for interrogation.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

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

[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 petitioners 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].



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[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS 2023.

Sd/-
08/01/2025

/ TRUE COPY /

/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

- 1 THE JUDICIAL MAGISTRATE NO.I,
SIVAGANGAI DISTRICT.
- 2 DO-THROUGH- THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
KALAIYARKOVIL POLICE STREET,
SIVAGANGAI DISTRICT.
- 4 THE OFFICER INCHARGE,
MADURAI BENCH OF MADRAS HIGH COURT
ADVOCATE CLERKS WELFARE ASSOCIATION,
MADURAI-625 023.



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

+1.CC to M/S.R.BALAMURUGANANTHAM, Advocate,SR.No.226, Dt. 08.01.2025

ORDER
IN
CRL OP(MD) No.23150 of 2024
Date :08/01/2025

ES/SKN/SAR /31.01.2025/ 6P/7C

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