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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 07/12/2021
PRESENT
The Hon`ble Mr.Justice G.ILANGOVAN
CRL OP(MD). No.19280 of 2021

Gukan @ Guna ... Petitioner/Accused No.2

Vs

The State Rep.by
The Inspector of Police,
Devaipattinam Police Station,
Ramanathapuram District.
Cr.No. 310 of 2021. ... Respondent/Complainant

For Petitioner : M/s.Arun B,
Advocate.
For Respondent : Mr.S.Manikandan,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.310 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.2, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 353, 506(ii) and 379 I.P.C and Section 21(1) Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.310 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner has illegally transported ¾ unit of beach sand by using his tractor. When the same was intercepted by the defacto complainant, the petitioner without stopping the vehicle escaped from the place of occurrence. Therefore, the present case came to be registered.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. However, to show his bona fide, the petitioner has come forward to pay a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Cr.No.310 of 2021 before the trial Court concerned.

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4. The learned Government Advocate (Crl. Side) for the respondent police submitted that the petitioner has transported ¾ unit of beach sand illegally by using his tractor. He further submitted that there is no previous case pending against the petitioner herein.

5. Considering the nature of the mineral involved, the antecedents of the petitioner and his willingness to pay a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Crime Number, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this Criminal Original Petition is allowed on condition that the petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Cr.No.310 of 2021 before the trial Court concerned, without prejudice to his rights and contentions before the trial Court.

7. On such deposit being made, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate No.I, Ramanathapuram, 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 learned Magistrate concerned and the petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
07/12/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TM

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

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TO

1. The Judicial Magistrate No.I, Ramanathapuram.

2. Do-Through The Chief Judicial Magistrate,
   Ramanathapuram District.

3. The Inspector of Police,
   Devaipattinam Police Station,
   Ramanathapuram District.

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

+1. CC to M/S.ARUN B Advocate SR.No.8934

ORDER
IN
CRL OP(MD) No.19280 of 2021
Date :07/12/2021

RD/PN/SAR-III(13.12.2021) 3P 6C

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