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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/06/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.10269 of 2022

N.Mohamed Mahaboob,

... Petitioner/1st Accused

Vs

State Rep.by
The Inspector of Police,
Alwarkurichi Police Station,
Tenkasi District.
(Crime No.116/2022).

... Respondent/Complainant

For Petitioner : MR.N.S.Karthikeyan, Advocate.

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory bail in Crime No.116/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No.1, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 379 of IPC and r/w 21(4) of Mines and Minerals (Development & Regulation Act), 1957 in Crime No.116 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner said to have illegally transported M-sand, without any valid permission. Therefore, the present case came to be registered.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner is the owner of the vehicle and also would submit that the said sand was



transported within their premises and the concerned off as granted a valid permission to transport M-sand. He would further submit that the co-accused was arrested and thereafter released on bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the petitioner has transported the M-sand without any valid permission and he has also produced RDO letter, wherein it is stated that they have not issued any permit for transporting the M-sand.

5. During the course of arguments, the learned counsel for the petitioner would submit that the petitioner has filed a Writ Petition and the same was allowed by this Court, but, those particulars are not available.

6. Considering the facts and circumstances of the case and the nature of allegation levelled against this petitioner and the grant of bail to the co-accused by the Principal Sessions Judge, Tirunelveli, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, before the learned Judicial Magistrate, Ambasamudram, and on his executing 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 on every Saturday at 10.30 am until further orders. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

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

sd/-

22/06/2022

/ TRUE COPY /

/07/2022

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

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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.



TO

1 THE JUDICIAL MAGISTRATE,
AMBASAMUDRAM.

2 DO THROUGH:

THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE
ALWARKURICHI POLICE STATION,
TENKASI DISTRICT.

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

+1 CC to M/s.N.S.KARTHIKEYAN, Advocate(SR-6040[I] dated 23/06/2022)

ORDER

IN

CRL OP(MD) No.10269 of 2022

Date :22/06/2022

PKP/SVR/SAR-1/01.07.2022/3P/6C