



WEB COPY



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/07/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGOVAN

CRL OP(MD) . No.12138 of 2023

1. Nelson Kumar

2. Ratheesh

3. Binu

... Petitioners/Accused Rank not known

Vs

The State represented by
The Inspector of Police,
Thuckalay Police Station,
Kanyakumari District.
Crime No.258/2023..

... Respondent/Complainant

For Petitioner : M/s.Narayana Kumar.K.P.,
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.258 of 2023 on the file of
the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused rank not known, apprehending arrest at
the hands of the respondent police for the alleged offence
punishable under Sections 379 of IPC, 21(1) of Mines and Minerals
Development & Regulation Act, 1957 and Section 194(1) of Motor
Vehicles Act, 1988, in Crime No.258 of 2023 on the file of the
respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant
conducted inspection and found that all the three vehicles
transported the minerals beyond the permitted level. Hence, the
case.



3. The learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that the M-sand alone has been transported with valid permit.

WEB COPY

4. The learned Government Advocate (Crl. Side) for the respondent police submitted that the petitioners have transported the minerals beyond the permitted limit. No previous case is pending against the petitioners.

5. Considering the nature of offence, the overt act attributed against the petitioners and there is no previous case against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate No. I, Padmanabapuram, on condition that the petitioners shall execute a bond for a sum of Rs. 10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and the petitioners shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7. The petitioners 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/-

05/07/2023

/ TRUE COPY /

/07/2023

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

TM

TO

- 1 THE JUDICIAL MAGISTRATE NO. I
PADMANABAPURAM.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3 THE INSPECTOR OF POLICE
THUCKALAY POLICE STATION,
KANYAKUMARI DISTRICT.



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

+1 CC to M/s.K.P.NARAYANAKUMAR, Advocate (SR-10273[I] dated
06/07/2023)

ORDER

IN

CRL OP (MD) No.12138 of 2023

Date :05/07/2023

SS/10/07/2023/3P/6C