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CRL OP(MD). N



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/07/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.12291 of 2023

1. Jebastin
2. Selvin @ Samuvel Jeba Selvin
3. David Selvakumar ... Petitioners/Accused Nos. 2 to 4

Vs

State Rep.by
The Inspector of Police,
Kalakad Police Station,
Tirunelveli District
(Crime No.259 of 2023). ... Respondent/Respondent

For Petitioners : M/s.Mohanasundaram.R, 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.259 of 2023 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 379 IPC, in Crime No.259 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners have illegally transported one unit of red sand by using vehicle. Therefore, the present case came to be registered.



3. The learned counsel for the petitioners submitted the petitioners are innocent and they have been falsely implicated in this case. Hence, prays to enlarge them on anticipatory bail.

4. The learned Government Advocate (Crl. Side) for the respondent police submitted that the petitioners have illegally transported mineral. He further submitted that the petitioners are having one previous case at their credit, which is not similar in nature.

5. Considering the nature of the mineral involved, the petitioner is having two previous cases, which are not similar in nature, this Court is inclined to grant anticipatory bail to the petitioner.

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, Nanguneri**, 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/-
06/07/2023

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/07/2023

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

PNM

TO

1 THE JUDICIAL MAGISTRATE
NANGUNERI.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
THIRUNELVELI DISTRICT.



3 THE INSPECTOR OF POLICE
KALAKAD POLICE STATION,
TIRUNELVELI DISTRICT

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

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+1 CC to M/s.R.MOHANASUNDARAM, Advocate (SR-10413[I] dated
10/07/2023)

ORDER

IN

CRL OP(MD) No.12291 of 2023

Date :06/07/2023

PKP/ /SAR- /10.07.2023/ **3P/6C**