



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 07/07/2023
PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.12420 of 2023

Arul

... Petitioner/Sole Accused

Vs

The State, represented by
The Inspector of Police,
Arumanai Police Station,
Kanyakumari District.
Crime No.109 of 2023.

... Respondent/Complainant

For Petitioner : Mr.S.SIVAKUMAR, 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.109/2023 on the file of the Respondent police.

ORDER : The Court made the following order :-

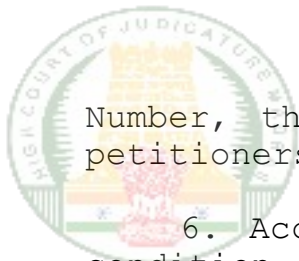
The petitioner/sole accused, apprehending arrest at the hands of the respondent Police for the alleged offence punishable under Section 379 of IPC in Crime No.109 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioner has transported 1 unit of red sand through tipper lorry bearing Registration No.TN 75 AT 3162, which was seized by the respondent Police. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent and he has been falsely implicated in this case. However, to show their *bona fide*, the petitioners have come forward to pay a sum of Rs.15,000/- (Rupees Fifteen Thousand only) to the credit of Cr.No.109 of 2023 before the trial Court concerned.

4. The learned Government Advocate (Crl. Side) for the respondent police submitted that the petitioner has transported 1 unit of red sand illegally. He further submitted that there is no previous case pending against the petitioner.

5. Considering the nature of the mineral involved, the antecedents of the petitioners and their willingness to pay a sum of Rs.15,000/- (Rupees Fifteen Thousand only) to the credit of Crime



Number, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, this Criminal Original Petition is allowed on condition that the petitioners shall deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) to the credit of Cr.No.109 of 2023 before the trial Court concerned, without prejudice to their rights and contentions before the trial Court.

7. On such deposit being made, 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, Kuzhithurai, 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/-
07/07/2023

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/07/2023

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

INDU

TO

1 THE JUDICIAL MAGISTRATE NO.I, KUZHITHURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

3 THE INSPECTOR OF POLICE,
ARUMANAI POLICE STATION, KANYAKUMARI DISTRICT.

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

+1. CC to M/S.SIVAKUMAR.S Advocate SR.No.10354

ORDER IN

CRL OP(MD) No.12420 of 2023
Date :07/07/2023

SA/DD/SAR. /18.07.2023/2P/6C

<https://www.mhc.tn.gov.in/judis>