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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 14.07.2023

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

CRL OP(MD) No.12867 of 2023

D.John Kennady,

... petitioners/Sole Accused

Vs.

State Rep. by
The Sub-Inspector of Police,
Manur Police Station,
Tirunelveli District.
(Crime No.326 of 2023).

... Respondent/Complainant

For petitioners : Mr.S.Selvakrishnan
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 Crime No.326 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/ sole Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Section 379 I.P.C r/w Sections 21(1) of Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.326 of 2023

on the file of the respondent police, seeks anticipatory bail.



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2. The case of the prosecution is that the petitioner has illegally transported six units of sand by using tipper lorry, upon which, he was permitted to transport the sand for four units only and without any permission, he has transported another two units. Therefore, the present case came to be registered.

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 petitioner has come forward to pay a sum of Rs.30,000/- (Rupees Fifteen Thousand only) to the credit of Cr.No.326 of 2023 before the trial Court concerned.

4. The learned Government Advocate (Crl. Side) for the respondent Police submitted that the petitioner has transported two units of sand illegally by using vehicle bearing Registration No.TN 51 AJ 1875. He further submitted that the petitioner is having no previous case.

5. Considering the nature of the mineral involved, the antecedents of the petitioner and his willingness to pay a sum of Rs.30,000/- (Rupees Thirty Thousand Rupees 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.30,000/- (Rupees Thirty Thousand Rupees only)** to the credit of Cr.No.326 of 2023 before the trial Court concerned, without prejudice to his rights and contentions before the trial Court.



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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 V, Tirunelveli, on condition that the second 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 second petitioner shall appear before the respondent Police daily at 10.30 a.m. until further orders. The second petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8. The second 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/-
14/07/2023

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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.V

TIRUNELVELI



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- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.
- 3 THE INSPECTOR OF POLICE
MANUR POLICE STATION,
TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.12867 of 2023
Date :14/07/2023

SS/MMS/26/07/2023/4P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023