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

Date : 17/07/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.12942 of 2023

Gopalakrishnan

... Petitioner/6th Accused

Vs

The State represented by
The Inspector of Police,
Kalakkad Police Station,
Tirunelveli District..
In Crime.No.267 of 2023

... Respondent/Complainant

For Petitioner : M/s.Susikumar.C,
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.267 of 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 Sections 379 of IPC, in Crime No.267 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 5 units of pond sand. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. However, to show his *bona fide*, the petitioner has come forward to pay a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Cr.No.267 of 2023 before the trial Court concerned.

4. The learned Government Advocate (Crl. Side) for the respondent police submitted that the petitioner has illegally transported 5 units of pond sand. He further submitted that one previous case is pending against the petitioner, which is not similar in nature.

5. Considering the nature of the mineral involved, the antecedents of the petitioner and his willingness to pay a sum of Rs.10,000/- (Rupees Ten Thousand 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.10,000/- (Rupees Ten Thousand only) to the credit of Cr.No.267 of 2023 before the trial Court concerned, without prejudice to his rights and contentions before the trial Court.

7. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the



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learned Judicial Magistrate, Nanguneri, 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 on every Saturday 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/-
17/07/2023

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

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TO

1 THE JUDICIAL MAGISTRATE,
NANGUNERI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE
KALAKKAD POLICE STATION,
TIRUNELVELI DISTRICT.



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

ORDER
IN
CRL OP(MD) No.12942 of 2023
Date :17/07/2023

SS/MMS/29/07/2023/4P/5C

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