



CRL OP(MD). No.13705 of 2023

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

Date : 27/07/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN
CRL OP(MD). No.13705 of 2023

Swaheerali

... Petitioner/ Accused No.2

Vs

The State rep.by,
The Sub Inspector of Police,
Kollencode Police Station,
Kanyakumari District,
Crime No.89/2023.

... Respondent/Complainant

For Petitioner : M/s.Krishna Kumar.S,
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.89 of 2023 on the file of the respondent
police
i

ORDER : The Court made the following order :-

The petitioner/ Accused No.2, apprehending arrest at the hands of the respondent
police for the alleged offence punishable under Sections 379 of IPC & 21(1) of Mines



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and Minerals (Development Regulation) Act, 1957, in Crime No.89 of 2023 on the file
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of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 19.07.2023 at 01.00 a.m., when the team No.4, which was formed to prevent the unauthorized transportation of mines, in accordance with the instruction of the District Collector, have attended inspection duty, near Kaliyakavillai, in the presence of Special Tahsildar (Social Protection Scheme), Vilavankode along with some other police personnel, at about 01.15 a.m.TATA TIPPER Lorry bearing Registration No.KL 85 B 3957, came on the way and that the same team have stopped and enquired the said lorry, which was carried Big Stone and hence, they verified the transit pass No.15218, which was issued on 18.07.2023 and permitted to carry 15 Cu.M. Big Stone from Bharat Minerals Company, 179 Thiruchendur Road, Kumpikulam to Kollankode. The complainant along with Thiru John Bright, Driver and Thiru C.J.Stebin Dass, Office Assistant and others have followed the said vehicle on suspicion. While doing so, the said vehicle tried to enter Poovar, i.e., the way of Kerala District, from Ourambu Junction, and at that juncture, the police personnel have stopped the vehicle, immediately. The driver left the vehicle at the spot and ran away. Hence, the Special Tahsildar, Vilavankode, lodged the complaint before the respondent police.



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3. The learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. He has valid permit and licences.

4. The learned Government Advocate (Crl. Side) for the respondent police submitted that there are two accused in this case. Without valid permit they have involved in illegal transportation of stones to Kerala. There is no previous case against the petitioner.

5. The lorry which was allegedly involved in illegal transportation of rough stones was intercepted in Tamil Nadu Border. In the FIR it has been stated that the above said Rough Stone about to be transported to Kerala State. The statement of the persons have not been recorded. Before entering into the Kerala Border, it was intercepted. Now the allegation is that even though trip sheet and proper permit was available, attempt was made to transport the rough stone to Kerala. It is further submitted that the petitioner belongs to Kerala State. In view of the above, this Court is inclined to grant anticipatory bail to the petitioner with stringent conditions.



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6. Accordingly, this Criminal Original Petition is allowed and petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate No.II, Kuzhithurai, Kanniyakumari District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two local sureties each for a like sum to the satisfaction of the learned Magistrate concerned, since the petitioner belongs to the Kerala State 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.

7. 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/-
27/07/2023

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/08/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO
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- 1.THE JUDICIAL MAGISTRATE NO.II,
KUZHITHURAI, KANNIYAKUMARI DISTRICT.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANNIYAKUMARI @ NAGERCOIL.
 - 3.THE SUB INSPECTOR OF POLICE,
KOLLENCODE POLICE STATION,
KANYAKUMARI DISTRICT,
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.KRISHNA KUMAR.S Advocate SR.No.11352

ORDER
IN
CRL OP(MD) No.13705 of 2023
Date :27/07/2023

RK/MMS (04/08/2023) 5P / 6C

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



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