



CRL OP(MD). No.14503 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/08/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

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1. A.Sahayadhas(A1),

2. J Vignesh(A4),

3. T.Sabitha(A5),

4. T.Vijayakumar(A6),

... Petitioners/ Accused Nos. 1,4,5 & 6

Vs

State Rep.by
The Inspector of Police,
Karungal Police Station,
Kanyakumari District,
Crime No.232/2023.

... Respondent/Complainant

For Petitioner : M/s.Ramanathan.K,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.232 of 2023 on the file of the respondent police

ORDER : The Court made the following order :-



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The petitioners/Accused 1,4,5 & 6, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 379 of IPC, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 02.08.2023 at about 2.00 a.m., the petitioners along with other accused persons trying to transport one unit of red sand illegally. Hence, the case.

3. The learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case. However, to show their bona fide, the petitioners have come forward to deposit a sum of Rs.5,000/- (Rupees Five Thousand only).

4. The learned Government Advocate (Crl. Side) for the respondent police submitted that the petitioners have transported two units of red sand illegally. He further submitted that the first accused in this case is having two previous cases similar in nature and the other accused persons are not having previous cases.

5. Considering the nature of the mineral involved, the antecedents of the petitioners and their willingness to pay a sum of Rs.5,000/- (Rupees Five Thousand only) this Court is inclined to grant anticipatory bail to the petitioners 2 to 4 on conditions.

6. Accordingly, this Criminal Original Petition is allowed on condition that the



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petitioners 2 to 4 shall deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of the Account Number (A/c.No.7567821433, Indian Bank, High Court Branch Madurai (2001), IFSC Code:IDIB000H040) opened by the Registrar Judicial, Madurai Bench of Madras High Court, Madurai, for donating law books in the name of “Madurai Bench of Madras High Court” in Kalaignar Centenary Library, Madurai, without prejudice to their rights and contentions before the trial Court.

7. On such deposit being made, the petitioners 2 to 4 are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate, Eraniel, Kanniyakumari District, on condition that the petitioners 2 to 4 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 2 to 4 shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioners 2 to 4 shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8. The petitioners 2 to 4 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.



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9. Since the first petitioner/first accused is having bad antecedents, this Court is not inclined to grant anticipatory bail to him. This petition is dismissed in respect of the first petitioner/first accused.

sd/-
09/08/2023

/ TRUE COPY /

/09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TM

TO

- 1 THE JUDICIAL MAGISTRATE,
ERANIEL, KANNIYAKUMARI DISTRICT.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT @ NAGERCOIL
- 3 THE INSPECTOR OF POLICE
KARUNGAL POLICE STATION,
KANYAKUMARI DISTRICT,
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

- 1 THE REGISTRAR (JUDICIAL)
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

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



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ORDER
IN
CRL OP(MD) No.14503 of 2023
Date :09/08/2023

PKP/VRS/SAR- /08.09.2023/ 5P/7C

Madurai Bench of Madras High Court is issuing certified
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