



CRL OP(MD). No.14955 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/08/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.14955 of 2023

Varatharajan

... Petitioner/ Accused Rank Not Known

Vs

State Rep.by
The Inspector of Police,
Aralvoimozhi Police Station,
Kanyakumari District.
Crime No.193 of 2023.

... Respondent/Complainant

For Petitioner : M/s.Susi Kumar 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.193 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Section 379 of I.P.C. and Section 21(1) of Mines and Minerals (Development and Regulations) Act, 1957, in Crime No.193 of



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2023 on the file of the respondent police, seeks anticipatory bail.

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2. The case of the prosecution is that on 03.08.2023, the petitioner was involved illegal transportation of minerals, violating the permission that was granted to him. Hence, the case.

3. Even though the quarry licence has been granted in favour of one M.Sundaravel, authorisation or power of attorney was given in favour of this petitioner to approach the authorities for the purpose of getting the permissions.

4. The learned Government Advocate (Crl. Side) would submit that even though the permit was granted for taking M-sand has been mentioned as commodity for transport, but dust has been transported. The petitioner is having one previous case, similar in nature.

5. But reading of the above said transport pass shows that the M-sand has been put by rubber stamp. But in hand it was written as Dust. Since already permission has been granted for transportation of Dust in hand written, offence under section 21 (1) of MMDR Act, is not attracted.

6. In view of the above, this Court is inclined to grant anticipatory bail to the petitioner.

7. 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



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learned Judicial Magistrate, Boothapandi, 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/-

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/09/2023

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

TM

TO

1 THE JUDICIAL MAGISTRATE, BOOTHAPANDI.

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

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



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

+1 CC to M/s.S.SUSI KUMAR, Advocate (SR-12815[I] dated 25/08/2023)

ORDER
IN

CRL OP(MD) No.14955 of 2023

Date :24/08/2023

RS/VRS/SAR-(07.09.2023) 4P 6C

Madurai Bench of Madras High Court is issuing
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