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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/08/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.15173 of 2023

R.Balamurugan

... Petitioner/Sole Accused

Vs

State rep. by
The Inspector of Police,
Keela Paralachi Police Station,
Virudhunagar District.
Crime No.75 of 2023.

... Respondent/Complainant

For Petitioner : Mr.Muneeswaran.B,
Advocate.

For Respondent : Mr.R.Suresh Kumar,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

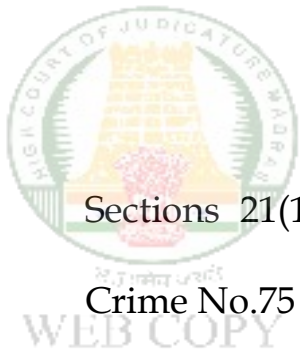
PRAYER :-

For Anticipatory Bail in Crime No.75 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 Section 379 I.P.C r/w

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Sections 21(1) of Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.75 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 13.08.2023 at about 10.00 p.m., when the respondent was on his routine patrol duty at Sevakkadu to prevent the sand theft, they found one tractor bearing Registration Number TN 65 X 6845 along with trailer with one unit of sand. When the respondent Police reached the tractor, the driver of the vehicle ran away from the place of occurrence. After investigation, the respondent identified that the petitioner is the owner of the vehicle. Therefore, the present case came to be registered.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. However, to show his bona fide, the petitioner has come forward to deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only).

4. The learned Government Advocate (Crl. Side) for the respondent police submitted that the petitioner has transported 1 unit of sand illegally. He further submitted that there is no previous case pending against the petitioner herein.



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5. Considering the nature of the mineral involved, the antecedents of the petitioner and his willingness to pay a sum of Rs.15,000/- (Rupees Fifteen Thousand only) 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.75 of 2023 before the trial Court concerned. Further, the petitioner 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 Kalaigamar Centenary Library, Madurai, without prejudice to his rights and contentions before the trial Court.

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, Aruppukkottai, Virudhunagar District, 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

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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/-
21/08/2023

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

Indu

TO

- 1 THE JUDICIAL MAGISTRATE
ARUPPUKKOTTAI
VIRUDHUNAGAR
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR
- 3 THE INSPECTOR OF POLICE
KEELA PARALATCHI POLICE STATION,
VIRUDHUNAGAR
DISTRICT.



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

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MADURAI BENCH OF MADRAS HIGH COURT,
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+1 CC to M/s.B.MUNEESWARAN, Advocate (SR-12565[I] dated 22/08/2023)

ORDER
IN
CRL OP(MD) No.15173 of 2023
Date :21/08/2023

SSA/VR/31.08.2023/5P/8C

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