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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.15190 of 2023

1.Mupidathi @ Muppudathi

2.Jeyabalan

3.Manickaraj

... Petitioners/ Accused Nos.1 to 3

Vs

The State, represented by
The Sub-Inspector of Police,
Panagudi Police Station,
Tirunelveli District.
Crime No.394 of 2023.

... Respondent/ Complainant

For Petitioners : Mr.G.Aravinthan,
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.394/2023 on the file of the Respondent police.



ORDER : The Court made the following order :-

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The petitioners/Accused Nos.1 to 2, apprehending arrest at the hands of the respondent Police for the alleged offence punishable under Sections 379 I.P.C., in Crime No.394 of 2023 on the file of the respondent Police, seek anticipatory bail.

2. The case of the prosecution is that on 21.07.2023 at about 8.00 p.m., when the respondent Police was on his routine patrol duty, some persons illegally transported the pond sand using JCB in Pettaikulam. When the Police attempted to arrest them, the tractor bearing Registration No.TN 72 CZ 8671 and JCB machine with $\frac{3}{4}$ unit of sand was left by the accused persons and they escaped from the scene of occurrence. Hence, the complaint.

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 his bona fide, the petitioners have 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 petitioners have attempted to transport $\frac{3}{4}$ unit of pond sand illegally. He further submitted that first and second petitioners are having no previous cases and the third petitioner is having four previous cases not in similar nature.

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5. Considering the nature of the mineral involved, the antecedents of the petitioners and their willingness to pay a sum of Rs.15,000/- (Rupees Fifteen Thousand only) jointly, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, this Criminal Original Petition is allowed on condition that the petitioners shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) jointly to the credit of Cr.No.394 of 2023 before the trial Court concerned. Further, the petitioners shall deposit a sum of Rs.5,000/- (Rupees Five Thousand only) jointly to the credit of the Account Number (A/c.No.7567821433, Indian Bank, High Court Branch Madurai (2001), IFSC Code:IDIB000H040) opened by for donating law books in the name of "Madurai Bench of Madras High Court" in Kalaingar Centenary Library, Madurai, without prejudice to his rights and contentions before the trial Court.

7. On such deposit being made, the petitioners are ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate, Valliyoor, Tirunelveli, 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/-
21/08/2023
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/09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Indu

TO

- 1 THE JUDICIAL MAGISTRATE
VALLIYOOR
TIRUNELVELI
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI
- 3 THE SUB INSPECTOR OF POLICE
PANAGUDI POLICE STATION,
PANAGUDI
TIRUNELVELI.



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

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+1 CC to M/s.G.ARAVINTHAN, Advocate (SR-12553[I] dated 22/08/2023)

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ORDER
IN

CRL OP(MD) No.15190 of 2023

Date :21/08/2023

SSA/VRS/01.09.2023/5P/8C

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