



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/08/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.15230 of 2023

Ashok Kumar,

... Petitioner/ Accused No.2

Vs

The State rep. by
The Sub Inspector Police,
Pazhavoor Police Station,
Pazhavoor,
Tirunelveli District.
(Crime No.170 of 2023)

... Respondent/ Complainant

For Petitioner : M/s.Palani Velayutham 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.170 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(4) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.170 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 26.07.2023 at about 10.20 hours, the petitioner along with the other accused persons transported rough stones without any valid permission. Hence the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent and he has been falsely implicated in this case. He has not committed any offence as alleged by the prosecution. However, to show his bona fide, the petitioner has 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 petitioner has transported the rough stones without any valid permission. He further submitted that the petitioner is not having any previous cases.

5. Considering the nature of the mineral involved and his willingness to pay a sum of Rs.5,000/- (Rupees Five Thousand only) this Court is inclined to grant



anticipatory bail to the petitioner.

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6. Accordingly, this Criminal Original Petition is allowed on condition that 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 Kalaingar Centenary Library, Madurai, without prejudice to his rights and contentions before the trial Court.

7. On such deposit, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate, Valliyoor, Tirunelveli 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 petitioner shall appear before the respondent police every Saturday 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 is made ready, failing which, the petition for anticipatory bail will stand dismissed.

sd/-
22/08/2023

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

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TO

1 THE JUDICIAL MAGISTRATE,
VALLIYOOR,
TIRUNELVELI DISTRICT,

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE SUB INSPECTOR POLICE
PAZHAVOOR POLICE STATION,
PAZHAVOOR,
TIRUNELVELI DISTRICT.

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

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

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+1 CC to M/s.S.PALANI VELAYUTHAM, Advocate (SR-12671[I] dated
23/08/2023)

ORDER
IN
CRL OP(MD) No.15230 of 2023
Date :22/08/2023

SSA/VRS/08.09.2023/5P/8C

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