



CRL OP(MD). No.15383 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/09/2023

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

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1.Justin

2.Suresh

... Petitioners/ Accused Rank Not Known

Vs

State, represented by
The Inspector of Police,
Thuckalay Police Station,
Kanyakumari District.
Crime No.258 of 2023.

... Respondent/Complainant

For Petitioner : Mr.K.P.Narayanakumar,
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.258/2023 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/ Accused rank not known, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Section 379 I.P.C r/w

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



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Sections 21(1) of Mines and Minerals (Development & Regulation) Act, 1957 and Section 194(1) of Motor Vehicles Act, 1988 in Crime No.258 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that when the defacto complainant conducted an inspection, they found that all the three vehicles transported the minerals beyond the permitted level using lorries bearing Registration Nos.TN 75 AU 3499, TN 75 AW 5499 and TN 75 AX 1513. Therefore, the present case came to be registered.

3. The learned counsel for the petitioner submitted that the petitioners are innocent and they have been falsely implicated in this case. The petitioners are the owners of the vehicle and they engaged the drivers to transport the M-Sand with valid permission from the authorities.

4. The learned Government Advocate (Crl. Side) for the respondent police submitted that the petitioners have transported 3 unit of M-sand beyond the permitted level illegally. Further, the co-accused has been granted anticipatory bail by the concerned Court and the first petitioner is having two previous cases, which are in similar nature. The second petitioner is having one previous case not in similar nature.

5. Considering the nature of the mineral involved, the antecedents of the petitioner and his willingness to pay a sum of Rs.10,000/- (Rupees Ten Thousand



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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 Cr.No.258 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 Kalaingar 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 No.I, Padmanabapuram, 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



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petition for anticipatory bail stands dismissed.

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

Indu
TO

1 THE JUDICIAL MAGISTRATE NO.I, PADMANABAPURAM.

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

3 THE INSPECTOR OF POLICE, THUCKALAY POLICE STATION,
KANYAKUMARI 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.

2 THE OFFICER INCHARGE
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+1 CC to M/s.K.P.NARAYANA KUMAR, Advocate (SR-13500[I] dated 12/09/2023)



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ORDER

IN

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Date :08/09/2023

RS/JGB/SAR-(14.09.2023) 5P 8C

Madurai Bench of Madras High Court is issuing
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