



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 25/08/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN
CRL OP(MD). No.15538 of 2023

Suntharam,

... Petitioner/ Accused (A1)

Vs

The Inspector of Police,
Puthukadai Police Staion,
Kanyakumari District.
Crime No.188 of 2023.

... Respondent/Complainant

For Petitioner : Mr.S.Jebastin, 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.188 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 I.P.C and 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.188 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 09.08.2023, the petitioner along with the other accused have illegally transported the two units of red sand. Hence the complaint.

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



3. The learned counsel for the petitioner submitted that the petitioner is an innocent person 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.10,000/- (Rupees Ten Thousand only).

4. The learned Government Advocate (Crl. Side) for the respondent police submitted that the petitioner has transported the two units of red sand illegally. 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.10,000/- (Rupees Ten Thousand only) this Court is inclined to grant anticipatory bail to the petitioner.

(*)6. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate-II, Kuzhithurai, 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 on every Saturday at 10.30 a.m., until further orders. The petitioner shall comply with the condition stipulated under Section 438 of Cr.P.C., scrupulously.

7. 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/-
25/08/2023

(*)Modified as per order of this Hon'ble Court
in CRL OP(MD).15538/2023 dated 17.11.2023
/ TRUE COPY /

/12/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

pnn
TO

TO BE SUBSTITUTED WITH THE ORDER ALREADY DESPATCHED ON
22/09/2023

1 THE JUDICIAL MAGISTRATE-II, KUZHITHURAI.

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

3 THE INSPECTOR OF POLICE
PUTHUKADAI POLICE STATION,
KANNIYAKUMARI DISTRICT.

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

COPY TO

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

2 THE OFFICER INCHARGE
KALAIKARNI CENTENARY LIBRARY, MADURAI.



+1 CC to M/s.S.JEBASTIN, Advocate (SR-12796[I] dated 25/08/2023)

+1 CC to M/s.S.JEBASTIN, Advocate (SR-16572[I] dated 21/11/2023)

WEB COPY

ORDER

IN

CRL OP(MD) No.15538 of 2023

Date :25/08/2023

SSA/VRS/22.09.2023/4P/8C

RS/JGB/07.12.2023/4P/9C

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