



WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/08/2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

CRL OP(MD). No.15665 of 2023

Ganesan

... Petitioner/ Accused Rank not known

Vs

The State represented by
The Inspector of Police,
Marthandam Police Station,
Kanyakumari District.
Crime No.190 of 2023..

... Respondent/Complainant

For Petitioner : M/s.Muniyandi S,
Advocate.

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.190 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent



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police for the offences punishable under Sections 379 of IPC r/w. 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.190 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioner has illegally transported two units of rough stone from his patta land, hence the case.

3. The learned counsel for the petitioner would contend that the petitioner is innocent and the respondent police has foisted a false case against him and he has not committed any offence as alleged in the First Information Report. He would further submit that the name of the petitioner does not found place in the First Information Report and A1 in this case was already released on bail, hence he seeks anticipatory bail.

4. The learned Additional Public Prosecutor would submit that the petitioner said to have illegally transported two units of rough stone from his patta land. He would further submit that two previous cases are pending against the petitioner, hence he objected to grant anticipatory bail to the petitioner.



5. Heard both side and perused the materials available on record.

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6. Considering the rival submissions on either side and considering the quantum of material and considering the the nature of offence charged against the petitioner and considering other aspects and also considering the fact that the main accused was granted anticipatory bail by this Court, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.I, Kulithurai 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 on further condition that:

[a] the petitioner shall report before the respondent police on every Saturday at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation.



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[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
29/08/2023

/ TRUE COPY /

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

AAV

TO

1 THE JUDICIAL MAGISTRATE NO.I
KULITHURAI.



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

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

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

+1 CC to M/s.S.MUNIYANDI, Advocate (SR-12898[I] dated 29/08/2023)

ORDER
IN

CRL OP(MD) No.15665 of 2023

Date :29/08/2023

SS/VRS/31/08/2023/5P/6C

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