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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/09/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.16028 of 2023

G.Reji

... Petitioner/ Accused
(Rank Not Known)

Vs

State rep. by
The Inspector of Police,
Marthandam Police Station,
Kanyakumari District.
Cr.No.313 of 2023.

... Respondent/ Complainant

For Petitioner : M/s.N.S.Ramakrishna Dass
Advocate.

For Respondent : Mr.B.Nambiselvan
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.313 of 2023 on the file of the Respondent police.



ORDER : The Court made the following order :-

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The petitioners/ Accused apprehends arrest at the hands of the respondent police for the offences under Sections 379 of IPC read with 21(1) MMDR Act in Crime No.313 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 24.08.2023, during inspection conducted by the respondent police in the petitioner's company namely J.J.Brick kiln in Pacode at Kanyakumari District, the petitioner was illegally using a Excavator machine without permission to excavate red soil in the kiln area.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent, he has been falsely implicated in this case and he has not committed any offence as alleged by the prosecution. The learned counsel for the petitioner submitted that the petitioner has obtained order from the District Collector, Kanniyakumari in Rc.No.210/G&M/2013.

4. Learned Additional Public Prosecutor would submit that the petitioner has obtained appropriate order.

5. Considering the facts and circumstances of this case and also the fact that appropriate order has been obtained by the petitioner, this Court is inclined to grant relief 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 her appearance, before the learned Judicial Magistrate No.1, Kuzhithurai, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 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/-
05/09/2023

/ TRUE COPY /

/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 NO.1,
KUZHITHURAI.

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



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

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

+1CC to M/s.N.S.RAMAKRISHNA DASS, Advocate (SR-13351[I] dated
08/09/2023)

ORDER
IN
CRL OP(MD) No.16028 of 2023
Date :05/09/2023

SSA/VR/15.09.2023/4P/6C

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