



CRL OP(MD). No.16025 of 2023

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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

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1.Shajan @ Sajan Augustin

2.Rajan Thomas

... Petitioners / Accused Nos.2 and 3

Vs

State rep by

The Inspector of Police,

Pazhugal Police Station,

Kanyakumari District.

(Crime No.66 of 2023.)

... Respondent / Complainant

For Petitioners : Mr.V.Santhakumaresan, 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.66 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/ Accused nos.2 and 3, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Section 379 I.P.C, in Crime No.66 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 25.08.2023 at about 10.00 a.m., when



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the defacto complainant on patrol duty near Arul of Manalivilai Malayadi, they intercepted a Taurus truck bearing Registration No.KL 31 K 3936, coming from the property in Survey No.341/1B1J of the second and third accused persons and found that lot of black stones inside the truck. Therefore, the present case came to be registered.

3. The learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case. However, to show his bona fide, the petitioners have 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 petitioners have transported the black stones illegally. He further submitted that there is no previous case pending against the petitioner herein.

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

6. Accordingly, this Criminal Original Petition is allowed on condition that the petitioners 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,



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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 petitioners are ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate No.I, Kuzhithurai, Kanyakumari 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 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 petition for anticipatory bail stands dismissed.

sd/-
05/09/2023

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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

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1.The Judicial Magistrate No.I, Kuzhithurai, Kanyakumari District.

2.Do through the Chief Judicial Magistrate, Kanyakumari District at Nagercoil.

3.The Inspector of Police,
Pazhugal Police Station, Kanyakumari 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,
Kalaighnar Centenary Library, Madurai.

+1 CC to M/s.V.SANTHAKUMARESAN, Advocate (SR-13317[I] dated 07/09/2023)

ORDER

IN

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Date :05/09/2023

ED/JGB/SAR- (13/09/2023) 4P / 8C

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