



CRL OP(MD). No.16173 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/09/2023

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

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1.Babu

2.Soman

... Petitioners/ Accused Nos.3 and 5

Vs.

The State, represented by
The Inspector of Police,
Aralvoimozhi Police Station,
Kanyakumari District.
Crime No.206 of 2023.

... Respondent/ Complainant

For Petitioner : Mr.Muthu Saravanan.C,
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.206/2023 on the file of the Respondent police.



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ORDER : The Court made the following order :-

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The petitioners/Accused Nos.3 and 5, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 379 IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.206 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 18.08.2023 at about 2.15 a.m., when the inspection team intercepted the vehicle driven by the second petitioner bearing Registration No.TN 75 AW 0942 filled with P-Sand, the second petitioner produced transit pass issued by the Assistant Director of Geology and Mines, Tirunelveli District. But the name of minerals, which has to be transported from the first accused Blue Metal Company was not mentioned in the order. Hence, the complaint.

3. The learned counsel for the petitioners submitted that the petitioners are innocent and it is not the case of theft of minerals.

4. The learned Government Advocate (Crl. Side) for the respondent Police submitted that though the petitioners possessed transit pass for transported P-Sand,



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which is not mentioned in the concerned order. Hence, it is violated the Section 21(4) of Mines and Minerals Act, 1957. Further, no previous case is pending against the petitioner.

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 only) this Court is inclined to grant anticipatory bail to the petitioner.

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.206 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,

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



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Boothapandy, 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/-
07/09/2023

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/09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

indu

TO

1. THE JUDICIAL MAGISTRATE,
BOOTHAPANDY, KANYAKUMARI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI @ NAGERCOIL.



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3. THE INSPECTOR OF POLICE,
ARALVOIMOZHI 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 IN CHARGE,
KALAIIGNAR CENTENARY LIBRARY, MADURAI

ORDER
IN

CRL OP(MD) No.16173 of 2023

Date :07/09/2023

RK /VRS(13/09/2023) 5P / 7C

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