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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/09/2023

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.16511 of 2023

Joy

... Petitioners/ Accused No.6

Vs

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

... Respondent/ Complainant

For Petitioner : Mr.D.Srinivasaragavan,
Advocate.

For Respondent : Mr.R.Suresh Kumar,
Government Advocate (Crl.Side)

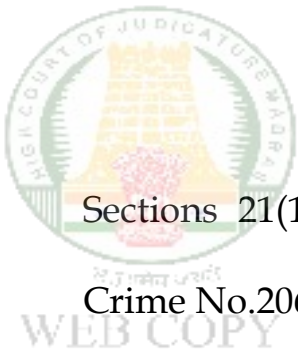
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.206/2023 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/ Accused No.6, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Section 379 I.P.C r/w



Sections 21(1) of Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.206 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that when the defacto complainant and other officials were on patrolling duty on 18.08.2023 at about 1.00 a.m and 2.15 a.m., they intercepted two trailer lorries bearing Registration No.TN 75 AW 1299 and TN 75 AW 0942 near Devasagayam Mount in Aralvoimozhi village and found that the accused transported the crush dust in the vehicle and they had transit pass for transporting M-sand and C-Sand. Therefore, the present case came to be registered.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent and he has been falsely implicated in this case. The petitioner is driver of the vehicle and the crusher dust loaded in the vehicle driven by the petitioner is not a prohibited one. 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 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 Kalaigiar 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, Boothapandy, 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/-
13/09/2023

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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.

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

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

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

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+1 CC to M/s.D.SRINIVASARAGAVAN, Advocate (SR-13581[I] dated 13/09/2023)

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ORDER
IN
CRL OP(MD) No.16511 of 2023
Date :13/09/2023

SSA/VRS/19.09.2023/5P/8C

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