



CRL OP(MD). No.16497 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/09/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.16497 of 2023

Nallakannu,

... Petitioner/Sole Accused

Vs

**State Rep.by
The Inspector of Police,
Tirunelveli Taluk Police Station
Tirunelveli District.
Crime No.146 of 2023.**

... Respondent/Complainant

For Petitioner : M/s.Mani Anandh.P.,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.146 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, apprehending arrest at the hands of the respondent



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police for the alleged offence punishable under Sections 379 of IPC, in Crime No.146 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 28.05.2023, the Village Administrative Officer, Parpakulam Village, lodged a complaint stating that the petitioner excavated sand from a patta land in S.No.114/2 situated at Parpakulam Village, Tirunelveli District, Tirunelveli District, which is belongs to the petitioner and 3 others as per Patta No.281, without valid permit. Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. For levelling his own patta land only, he has taken the sand.

4. The learned Government Advocate (Crl. Side) for the respondent police submitted that there is no previous case pending against the petitioner.

5. Reading of the FIR does not indicate whether it was transported for commercial basis. Considering the nature of offence, the limited overt act attributed against the petitioner and the petitioner is having no previous case, this Court is



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inclined to grant anticipatory bail to the petitioner on payment of cost.

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 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, and further sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Cr.No.146 of 2023 before the trial Court concerned, without prejudice to his rights and contentions before the trial Court.

7. On such deposits being made, this Criminal Original Petition is allowed and petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate No.III, Tirunelveli, 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



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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/-
12/09/2023

/ TRUE COPY /

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

TM
TO

- 1 THE JUDICIAL MAGISTRATE NO.III
TIRUNELVELI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE
TIRUNELVELI TALUK POLICE STATION
TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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+1 CC to M/s.P.MANI ANANDH, Advocate (SR-13619[I] dated 13/09/2023)

ORDER

IN

CRL OP(MD) No.16497 of 2023

Date :12/09/2023

PKP/DD/SAR- /25.09.2023/ 5P/8 C

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