



WEB COPY

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.16614 of 2023

1.Selvaraj

2.V.Dharmaraj

... Petitioners/ Accused Nos.1 and 2

Vs

The State, represented by
The Inspector of Police,
Marthandam Police Station,
Kanyakumari District.
Crime No.332 of 2023.

... Respondent/ Complainant

For Petitioners : Mr.S.C.Herold Singh,
Advocate.

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

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

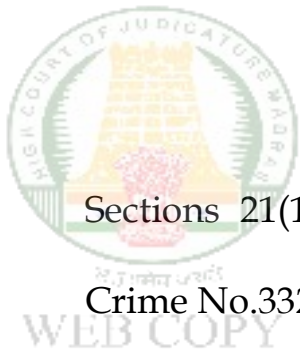
PRAYER :-

For Anticipatory Bail in Crime No.332/2023 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/ Accused Nos.1 and 2, apprehending arrest at the hands of the
respondent police for the alleged offence punishable under Section 379 I.P.C r/w

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



Sections 21(1) of Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.332 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 01.09.2023 at about 11.00 hours, when the defacto complainant was on duty, he received a complaint from the public with regard to illegal quarrying in survey No.104/5 at Araikakuzhi. Based on the complaint, the defacto complainant went to the spot, wherein, rock was broken and a tractor was available in that area. Therefore, the present case came to be registered.

3. The learned counsel for the petitioner submitted that the petitioners are innocent and they have been falsely implicated in this case. The first petitioner is the owner of the land and second petitioner is the driver of the above said vehicle. Further, due to availability of rock, the first petitioner was not able to cultivate the coconuts and other trees and in order to balance the said property, he levelled the rock available in the patta lands.

4. It appears that for the purpose of cultivating the coconuts, the above said rock was broken and was transported to some other place for levelling the said patta land and it is not the commercial quantity also.



5. Considering the submission made by the learned counsel for the petitioners, Rule 17 of Tamil Nadu Minor Minerals Concession Rules, squarely applies to the petitioners. Hence, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate No.I, Kuzhithurai, on condition that the petitioners 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 petitioners shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8. The petitioners 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

/ TRUE COPY /

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

Indu



TO
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1. The Judicial Magistrate No.I, 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.

ORDER
IN
CRL OP(MD) No.16614 of 2023
Date :13/09/2023

SSA/JGB/22.09.2023/4P/5C

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