



Crl.OP(MD)No.16959 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 21/12/2023

THE HON'BLE MR JUSTICE G.ILANGO VAN

Crl.OP(MD)No.16959 of 2023

Sahayadhas

: Petitioner/ Accused No.1

Vs.

The Inspector of Police,
Karungal Police Station,
Kanyakumari District.
Crime No.232 of 2023

: Respondent/ Complainant

For Petitioner : Mr.A.Saravanan, Advocate
For Respondent : Mr.R.M.Ambunithi
Additional Public Prosecutor

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

PRAYER:- For Anticipatory Bail in Crime No.232 of 2023 on the file of the Respondent Police.

ORDER: The Court made the following order:-

The petitioner, who is arrayed as A1 apprehends arrest at the hands of the respondent police for the offence punishable under section 379 of IPC, in Crime No.232 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 02/08/2023 at about 02.00 am, the petitioner along with other accused persons trying to transport one unit of red sand illegally. Hence, the case.

3.Heard both sides.



Crl.OP(MD)No.16959 of 2023

WEB COPY

4.The earlier application filed by the petitioner/ A1 came to be dismissed by this court on the ground of previous case of similar nature.

5.So far as this petitioner is concerned, even as per the prosecution, he alleged to have taken a rough stones on his own patta lands. On that account, the petitioner was directed to present before the respondent and enquire him as to the reason for taking the rough stones. Even though the petitioner appeared before the respondent, no proper action was taken and report submitted by the respondent.

6.Rule 17 of the Tamil Nadu Mines and Minerals Concession Rules. 1959 reads as under:-

“17.Quarrying by the owner.-A registered holder may quarry free of charge any minor mineral on a small scale for his own use for a specific bona fide domestic or agricultural purpose, provided that he has no intention of continuing quarrying operations indefinitely an provided further that the land is not in any way rendered less fit for cultivation than before.”

7.Whether the petitioner can be prosecuted in view of the above said Rule is a matter for investigation, for which the custodial interrogation of the petitioner may not be required. But mere enquiry or interrogation with the petitioner will conclude the investigation. On that account, this petitioner is entitled for anticipatory bail.



Crl.OP(MD)No.16959 of 2023

WEB COPY

8. In view of the above fact, this court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Eraniel, Kanyakumari District and on his executing 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 Judicial Magistrate concerned and on further condition that the petitioner shall appear before the respondent police daily at 10.30 am until further orders and share the information with regard to removal of rough stones. The petitioner shall comply with the condition stipulated under [Section 438 Cr.P.C.](#) scrupulously. 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/-
21/12/2023

/ TRUE COPY /

/01/2024
Sub-Assistant Registrar (C.S.I/II/III/IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

er



Crl.OP(MD)No.16959 of 2023

To

WEB COPY

1 THE JUDICIAL MAGISTRATE, ERANIEL, KANYAKUMARI DISTRICT.

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

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

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

+1 CC TO MR.A.SARAVANAN, ADVOCATE, SR-18172[I] DATED 21/12/2023

ORDER

IN

CRL OP(MD) No.16959 of 2023

Date :21/12/2023

RS/JGB/SAR-(03.01.2024) 4P 6C

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