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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/09/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.16934 of 2023

Mohan Raj

... Petitioner/ Accused Rank Not Known

Vs

The State Rep.by
The Inspector of Police,
Panagudi Police Station,
Tirunelveli District.
(In Crime No.463 of 2023).

... Respondent/ Complainant

For Petitioner : M/s.Krishna Kumar.S,
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.463 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Section 379 of IPC and 21(4) of



Mines and Minerals (Development and Regulation), Act, 1957, in Crime No.463 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 26.08.2023, when the defacto complainant party was on routine vehicle checkup, the petitioner has involved in illegal transportation of minerals beyond the permit limit. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. However, to show his *bona fide*, the petitioner has come forward to deposit a sum of Rs.5,000/- (Rupees Five Thousand only).

4. The learned Government Advocate (Crl. Side) for the respondent police submitted that the petitioner has transported minerals illegally violating the permission granted to them. He further submitted that there is one previous case pending against the petitioner herein, which is not similar in nature.

5. Considering the nature of the mineral involved, the antecedents of the petitioner and his willingness to pay a sum of Rs.5,000/- (Rupees Five Thousand only) this Court is inclined to grant anticipatory bail to the petitioner.



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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 **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, Valliyoor, Tirunelveli 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/-
20/09/2023

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/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE,
VALLIYOOR, TIRUNELVELI DISTRICT.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, THIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE
PANAGUDI POLICE STATION,
TIRUNELVELI DISTRICT.

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

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MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

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+1 CC to M/s.S.KRISHNAKUMAR, Advocate (SR-13879[I] dated 20/09/2023)

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ORDER
IN
CRL OP(MD) No.16934 of 2023
Date :20/09/2023

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MK/06.10.2023 5P 8C

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