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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.16938 of 2023

Esther James

... Petitioner/ Accused No.1

Vs

The State Rep.by
The Inspector of Police,
Arumanai Police Station,
Kanyakumari District.
Crime No.148 of 2023.

... Respondent/Complainant

For Petitioner : M/s.Robinson A, 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.148 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.1, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Section 379 of IPC and Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957, in

Crime No.148 of 2023, on the file of the respondent police, seeks anticipatory bail.

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2. The case of the prosecution is that on 13.09.2023, at about 11.00 a.m., upon information, the defacto complainant along with the aid of the respondent police visited the petitioner's place and confiscated a Compressor Vehicle bearing No.TN 72 X 0958 and a Hitachi that was used for breaking the rocks in the petitioner's land that extends about 40.635 cents in Survey No.738/31. 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. He would further submit that for the purpose of leveling the pathway to the petitioner's house that was uneven by moving small rocks and did not intend to break the rocks.

4. The learned Government Advocate (Crl. Side) for the respondent police submitted that investigation is pending.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this Criminal Original Petition is allowed and petitioner is

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ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate No.I, Kuzhithurai, Kanniyakumari 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 as and when required for interrogation. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7. 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

/ TRUE COPY /

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

TO
1 THE JUDICIAL MAGISTRATE NO.I,
KUZHITHURAI, KANYAKUMARI DISTRICT.

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

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



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

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

+1 CC to M/s.A.ROBINSON, Advocate (SR-13899[I] dated 20/09/2023)

ORDER
IN
CRL OP(MD) No.16938 of 2023
Date :20/09/2023

TM

MK/05.10.2023 4P 6C

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