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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/09/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.17031 of 2023

Varghese

... Petitioner / Accused
Rank not known

Vs

State rep. by
The Inspector of Police,
Arumanai Police Station,
Kanyakumari District.
Crime No.136 of 2023.

... Respondent / Complainant

For Petitioner : M/s.N.S.Ramakrishna Dass,
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.136 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

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



police for the alleged offence punishable under Section 379 of IPC r/w 21(1) MMDR Act, 1957, in Crime No.136 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 26.08.2023, the petitioners alleged to have broken the rock in the Chitharal Village at Thundatharavilai, without permission. A case was registered against the land owner and the vehicle owner. The vehicle was seized and the present case was registered.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. He has not committed any offence as alleged by the prosecution. However, to show his bona fide, the petitioner has come forward to deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only).

4. The learned Government Advocate (Crl. Side) for the respondent police submitted that the petitioner has transported one unit of stone without permission. He further submitted that the petitioner is having three previous cases.

5. Considering the nature of the mineral involved, and his willingness to pay a sum of Rs.15,000/- (Rupees Fifteen 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,

(i) 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 Kalaignar Centenary Library, Madurai, without prejudice to his rights and contentions before the trial Court.

ii) further, the petitioner shall deposit a sum of Rs. 10,000/- (Rupees Ten Thousand only) to the credit of Crime No.136 of 2023 before the learned Judicial Magistrate No.1, Kuzhithurai.

7. On such deposit, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate No.1, Kuzhithurai, 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

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shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

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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/-
21/09/2023

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

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TO

- 1.The Judicial Magistrate No.1, Kulithurai.
2. Do through the Chief Judicial Magistrate,
Kanyakumari District at Nagercoil.
- 3.The Inspector of Police, Arumanai Police Station,
Kanyakumari District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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- 1 The Registrar Judicial,
Madurai Bench of Madras High Court, Madurai.



2 The Officer Incharge
Kalaighnar Centenary Library, Madurai.

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ORDER
IN
CRL OP(MD) No.17031 of 2023
Date :21/09/2023

SSA/VRS/09.10.2023/5P/7C

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