



CRL OP(MD). No.17121 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/09/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.17121 of 2023

M.Rajesh Kumar

... Petitioner/Sole Accused

Vs

State Rep.by

The Inspector of Police,

Radhapuram Police Station,

Tirunelveli District.

Crime No.232 of 2023.

... Respondent/Complainant

For Petitioner : M/s.K.Ragathees Kumar, 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.232 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Section 379 of IPC and 21 (1) of Mines and Minerals (Development and Regulation), Act, 1957, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 12.10.2023 when the defacto complainant was in routine vehicle checkup, they found the petitioner was involved



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in transportation of 6 unit of Kundukal without proper Transit Pass. He has also not produced RC Book, Insurance and Driving License on demand. 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 reasonable amount as directed by this Court.

4. The learned Government Advocate (Crl. Side) for the respondent police submitted that the petitioner has transported Kundukal illegally. He further submitted that there is no previous case pending against the petitioner herein. He would further submit that though the petitioner was issued with permit, which is valid upto 15th September 2023, there is violation of rout permit.

5. Considering the nature of the mineral involved, the antecedents of the petitioner and his willingness to pay a reasonable amount as directed by this Court, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this Criminal Original Petition is allowed on condition that the petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten 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



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name of "Madurai Bench of Madras High Court" in Kalaigarn Centenary Library, Madurai, and Rs.20,000/- (Rupees Twenty Thousand only) to the credit of the Crime No.232 of 2023 on the file the trial Court concerned, 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, Radhapuram, 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/-
22/09/2023

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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

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1 THE JUDICIAL MAGISTRATE, RADHAPURAM, TIRUNELVELI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.

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

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

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ORDER
IN

CRL OP(MD) No.17121 of 2023

Date :22/09/2023

RS/DD/SAR-(06.10.2023) 4P 7C

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