



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/09/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.17220 of 2023

Vetrivel

... Petitioner/ Accused No.3

Vs

The State, represented by
The Sub-Inspector of Police,
Narikudi Police Station,
Virudhunagar District.
(Crime No.25 of 2023).

... Respondent/ Complainant

For Petitioner : Mr.S.Thirunavukarasu,
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.25 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ Accused No.3, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 379 of IPC r/w.

21(1) of Mines and Minerals (Development and Regulations) Act, 1957, in Crime

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No.25 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 27.03.2023, when the defacto complainant was conducted the raid at Narikudi Railway crossing in Kariyappatti road with regard to sand theft, they found that the petitioner has transported the rolling stones using two vehicles bearing Registration Numbers TN 67 BF 2314 and TN 60 A 0405, without proper permission. Therefore, the present case came to be registered.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and is driver of the lorry bearing Registration No.TN 67 BF 2314. It was loaded in various days by the rolling stones for the purpose of eradicate the soil erosion in their own lands by the above said vehicle owners. 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 no previous case is pending against the petitioner.



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.

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 Kalaigiar 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, Thiruchuli, 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/-
25/09/2023

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

Indu

TO

1. The Judicial Magistrate, Thiruchuli.
2. Do through the Chief Judicial Magistrate,
Virudhunagar District at Srivilliputhur.
3. The Sub-Inspector of Police,
Narikudi Police Station,
Virudhunagar District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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+1 CC to M/s.M.VENKATESAN, Advocate (SR-14102[I] dated 25/09/2023)

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ORDER
IN
CRL OP(MD) No.17220 of 2023
Date :25/09/2023

SSA/MGA/05.10.2023/5P/8C

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