



CRL OP(MD). No.17208 of 2023

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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.17208 of 2023

Prabhu

... Petitioner/ Accused No.2

Vs

**The State, represented by
The Inspector of Police,
Melavalavu Police Station,
Madurai District.
(Crime No.121 of 2022).**

... Respondent/ Complainant

**For Petitioner : Mr.S.Ayyanar Prem 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.121 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

**The petitioner/ Accused No.2, apprehending arrest at the hands of the
respondent police for the alleged offence punishable under Sections 379 of IPC r/w.**

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



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21(5) of Mines and Minerals (Development and Regulations) Act, 1957, in Crime No.121 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that on 28.08.2022, when the defacto complainant and his Assistant were conducted the vehicle search near Kidaripati Latha Mathavan Engineering College, regard to the sand theft, they found 30 stones in the tractor, which was driven by the first accused and the same is transported 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 based on the confession statement of the first accused, this petitioner has been 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 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



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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 (*) **Special District Judge to deal with MMDR Act cases, Madurai** 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 (*) **Special District Judge to deal with MMDR Act cases, Madurai** 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.



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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/-
25/09/2023

(*)For Being mentioned as per Order of this Court
dt.11/12/2023 in Crl.OP(MD).17208/2023.

Further two weeks time is extended to comply with the
conditions imposed by this Court.

/ TRUE COPY /

/01/2024
Sub-Assistant Registrar
(C.S. I / II / III/ IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU

TO BE SUBSTITUTED WITH THE ORDER ALREADY DESPATCHED ON
25/09/2023

TO

1. THE JUDICIAL MAGISTRATE, MADURAI.

2. DO THROUGH :

THE CHIEF JUDICIAL MAGISTRATE, MADURAI.

3. THE SPECIAL DISTRICT JUDGE TO DEAL WITH MMDR ACT CASES,
MADURAI.

4. THE INSPECTOR OF POLICE,
MELAVALLAPOLICE STATION,
MADURAI DISTRICT.

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



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

COPY TO

1.THE REGISTRAR(JUDICIAL)
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

2.THE OFFICER IN CHARGE,
KALAIAGNAR CENTENARY LIBRARY, MADURAI.

+1 CC to M/s.S.AYYANAR PREM KUMAR, Advocate (SR-14111[I] dated
25/09/2023)

ORDER

IN

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Date :25/09/2023

AAV

SA/JGB/SAR. /03.01.2023/5P/9C

GNS

PKP/SKN/SAR- /28.11.2023/ 5P/9C

RK (03/10/2023) 5P / 7C

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