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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/09/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.17294 of 2023

Mariamammal

... Petitioner / Accused No.2

Vs

State represented by
The Inspector of Police,
SV Karai Police Station,
Tenkasi District.
Crime No.137 of 2023.

... Respondent / Complainant

For Petitioner : M/s.J.Krishna 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.137 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

police for the alleged offence punishable under Sections 21(4) of Mines and Minerals

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



(Development and Regulation) Act, 1957, in Crime No.137 of 2023, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 08.09.2023, when the respondent were conducted raid near the place of occurrence, they intercepted a lorry and inspected. They found three units of rough stone without permission. The respondent seized the vehicle and registered the present case.

3. The learned counsel for the petitioner submitted that the petitioner is an 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 illegally transported 3 units of rough stone in a vehicle. He further submitted that the petitioner is not having any 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.



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.137 of 2023 before the learned Judicial Magistrate, Senkottai.

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, Senkottai, on condition that the petitioners 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/-
26/09/2023

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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, Senkottai.
2. Do through the Chief Judicial Magistrate,
Tirunelveli.
- 3.The Inspector of Police, SV Karai Police Station,
Tenkasi 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.
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+1 CC to M/s.J.KRISHNAKUMAR, Advocate (SR-14226[I] dated 26/09/2023)



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ORDER
IN
CRL OP(MD) No.17294 of 2023
Date :26/09/2023

SSA/JGB/12.10.2023/5P/8C

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