



CRL OP(MD). No.17409 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/09/2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

CRL OP(MD). No.17409 of 2023

Y.Isravel

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Dhalavaipuram Police Station,
Virudhunagar District.
(Crime No.250 of 2023)

... Respondent/Complainant

For Petitioner : Mr.D.Rajaboopathy, 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.250 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 379 IPC r/w. 21(4) of Mines and Minerals (Development and Regulations) Act, 1957, in Crime No.250 of



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2023 on the file of the respondent police, seeks anticipatory bail.

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2. The case of the prosecution is that on 22.09.2023, when the respondent Police along with his Police officials were on patrolling duty, the petitioner was found in illegal transportation of one unit of gravel sand without permission and license using the tractor bearing Registration No.TN 20 CP 9099 along with unregistered trailer and the same was seized by the respondent Police. Hence, the case.

3. The learned counsel for the petitioner would contend that the petitioner is innocent and is no way connected with the alleged offences.

4. The learned Government Advocate (Crl.Side) would submit that one unit of gravel sand was transported illegally by the petitioner. Further, the petitioner is involved in one previous case and the same is disposed of.

5. Heard both side and perused the materials available on record.

6.Considering the submissions on either side and also considering that no previous is pending against the petitioner, nature of offences and also the quantity of minerals involved, this this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Rajapalayam,



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Virudhunagar 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 on further condition that:

[a] the petitioner shall report before the respondent Police daily at 10.00 am., for the period of 30 days and thereafter, as and when required for interrogation.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
29/09/2023

/ TRUE COPY /

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



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INDU
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TO

1 THE JUDICIAL MAGISTRATE, RAJAPALAYAM, VIRUDHUNAGAR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTTUR.

3 THE INSPECTOR OF POLICE, DHALAVAIPURAM POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

ORDER
IN

CRL OP(MD) No.17409 of 2023

Date :29/09/2023

RS/DD/SAR-(05.10.2023) 4P 5C
Madurai Bench of Madras High Court is issuing
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