



CRL OP(MD). No.18690 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 18/10/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.18690 of 2023

T.R.Justin

... Petitioner/ Accused No.4

Vs

The State represented by
The Inspector of Police,
Arumanai Police Station,
Kanyakumari District.
(Crime No.148/2023).

... Respondent/Complainant

For Petitioner : M/s.Robinson A,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.148/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ Accused No.4, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Section 379 of IPC and



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Section 21(1) of the 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 13.09.2023 at about 11.00 a.m., on received secret information, the defacto complainant along with the other police officers visited the first accused's place and seized a compressor vehicle bearing registration No.TN 72 X 0958 and Hitachi that was used for breaking the rocks in the first accused's land that was extends about 40.635 Cents in Survey No.738/31. Hence the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent and he has been falsely implicated in this case and he has not committed any offence as alleged by the prosecution. He further submitted that for the purpose of making pathway, stones available in the patta land of the first accused was about to be extracted at the instance of the first accused. Only on that ground this case has been registered.

4.Heard the learned Additional Public Prosecutor appearing for the respondent Police.



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5. Reading of the observation Mahazar, it shows that it is strictly prohibited area and rocks are available in that area.

6. In the light of the above said development, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the Judicial Magistrate Court No.I, Kuzhilithurai, Kanyakumari 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 considering the physical condition of the petitioner, 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. The petitioner filed undertaking affidavit before the concerned Court that the above said stones was taken only for the purpose of pathway at the instance of the first accused.



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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/-
18/10/2023

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

VSG

TO

- 1 THE JUDICIAL MAGISTRATE NO.I,
KUZHITHURAI, KANYAKUMARI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3 THE INSPECTOR OF POLICE
ARUMANAI POLICE STATION, KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



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+1 CC to M/s.A.ROBINSON, Advocate (SR-15370[I] dated 18/10/2023)

ORDER
IN
CRL OP(MD) No.18690 of 2023
Date :18/10/2023

SS/DD/SAR- /25/10/2023/5P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023