



CRL OP(MD)No.18449 of 2023

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

Date : 13.10.2023

PRESENT
The Hon`ble MR JUSTICE V.SIVAGNANAM

CRL OP(MD)No.18449 of 2023

Shanthi

... Petitioner/ Accused No.4

Vs

The State rep.by,
The Inspector of Police,
Karungal Police Station,
Kanyakumari District.
(Crime No.17 of 2020)

... Respondent/Complainant

For Petitioner : Mr.A.Balakrishnan, Advocate

For Respondent : Mrs.M.Aasha,
Government Advocate(Crl.side)

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

PRAYER :-

For Anticipatory Bail in Crime No.17 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 379 IPC in Crime No.17 of 2020 on the file of the respondent police, seeks anticipatory bail.



CRL OP(MD)No.18449 of 2023

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2.The case of the prosecution is that based on the information, the respondent police visited the occurrence place and they found that by using two JCB machines, the red soil was filled in two tempos. Hence, the case.

3.The learned counsel appearing for the petitioners would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. Hence, he seeks anticipatory bail.

4.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that the investigation of this case completed and final report also filed in PRC.No.8 of 2022. On 21.09.2023, the petitioner was absent and hence, the trial Court issued Non-Bailable Warrant. Therefore, the petitioner has to approach the trial Court.

5.On perusal of records, it is noticed that the petitioner was absent on 21.09.2023 and a petition under Section 317 Cr.P.C., was filed and the same was also dismissed and Non-Bailable warrant was issued on the same day. Therefore, the present anticipatory bail petition is not maintainable. Accordingly, this criminal original petition is dismissed with liberty to the petitioner to surrender before the trial Court



CRL OP(MD)No.18449 of 2023

and to file a petition. If any petition is filed by the petitioner, the trial Court is directed to consider it on the date of filing itself.

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/11/2023

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

gns

TO

1.THE JUDICIAL MAGISTRATE, ERANIEL.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI @ NAGERCOIL.

3.THE INSPECTOR OF POLICE,
KARUNGAL POLICE STATION, KANYAKUMARI DISTRICT.

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

+1 CC to M/s.K.P.NARAYANA KUMAR, Advocate (SR-15203[I] dated 16/10/2023)

ORDER
IN

CRL OP(MD) No.18449 of 2023
Date :13/10/2023

RK/JGB(17/11/2023) 3P / 6C

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