



CRL OP(MD). No.9144 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/06/2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.9144 of 2024

Stephen

... Petitioner/ Accused No.5

Vs

The Inspector of Police,
Kalakkad Police Station
Tirunelveli
Crime No.114/2024.

... Respondent/ Complainant

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

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.114/2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, apprehending arrest at the hands of the respondent Police, in
<https://www.mhc.tn.gov.in/judis>



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connection with a case in Crime No.114 of 2024, for the offence punishable under Section 379 IPC, has filed this petition seeking anticipatory bail.

2. The case of the prosecution is that the petitioner along with the other accused has illegally transported 0.5 unit of sand in a tipper lorry and a two wheeler. Hence, the case.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent Police submits that three previous cases are pending against the petitioner.

5. In reply, the learned counsel appearing for the petitioner submits out of that three cases, the petitioner was acquitted in two cases.

6. Considering the facts and circumstances of the case, the quantity of the mineral and also considering that the petitioner was acquitted in two cases, this



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Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, this Criminal Original Petition is ordered and the petitioner is ordered to be released on bail in the event of his arrest or on his appearance within a period of fifteen days from the date of receipt of a copy of this order, before the concerned learned Judicial Magistrate on condition that

(i) the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand), with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Nanguneri, Tirunelveli District.

(ii) The petitioner and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the government in proof of their residence address;

(iii) The petitioner shall appear before the respondent police daily at 10.30 a.m until further orders. He has to co-operate for the investigation.

(iv) The petitioner shall not misuse the liberty granted to him by indulging in any further offence and shall not tamper with the prosecution witnesses.

(v) On violation of any of the above conditions by the petitioner, the respondent police shall move an application for cancellation of the anticipatory bail.

7. It is needless to say that any tool or instrument or vehicle used for illegal



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quarrying / transportation of sand is liable to be seized under Section 21(4) of the Mines and Minerals(Development & Regulation) Act, 1957 and any vehicle or instrument or tool which has been seized under Section 21(4) of the Mines and Minerals (Development & Regulation) Act, 1957, is liable to be confiscated.

sd/-
21/06/2024

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/06/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

LR
TO

- 1 THE JUDICIAL MAGISTRATE
NANGUNERI, TIRUNELVELI DISTRICT.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
THIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE
KALAKKAD POLICE STATION
TIRUNELVELI
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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+1 CC to M/s.A.SARAVANAN, Advocate (SR-6906[I] dated 25/06/2024)

ORDER
IN
CRL OP(MD) No.9144 of 2024
Date :21/06/2024

PKP/JGB/SAR /27.06.2024/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified
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