



CRL OP(MD). No.9074 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.9074 of 2024

Gilginraj,

... Petitioner/ Accused No.7

Vs

**The Inspector of Police,
Anjugramam Police Station,
Anjugramam,
Kanyakumari District.
(Crime No.152/2024).**

... Respondent/Complainant

For Petitioner : M/s.Appaji C.K.M,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.152/2024 on the file of the Respondent Police.



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ORDER : The Court made the following order :-

The petitioner, apprehending arrest at the hands of the respondent Police, in connection with a case in Crime No.152 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 has illegally transported M-sand and Blue metals. 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 the petitioner has overloaded the vehicle with M-sand and Blue metal. He further submits that five previous cases are pending against the petitioner.

5. Considering the submission made by the learned Government Advocate (Crl.Side), this Court is of the view that for overloading a vehicle with minerals, a criminal case cannot be registered. Therefore, though the petitioner is having bad antecedent, this Court is inclined to grant anticipatory bail to the petitioner.



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6. 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 No.III, Nagercoil.

(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 as and when required for interrogation. 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 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
<https://www.mhc.tn.gov.in/judis>



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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 NO.III
NAGERCOIL
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT @ NAGERCOIL
- 3 THE INSPECTOR OF POLICE
ANJUGRAMAM POLICE STATION, ANJUGRAMAM,
KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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+1 CC to M/s.C.K.M.APPAJI, Advocate (SR-6815[I] dated 21/06/2024)

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ORDER
IN

CRL OP(MD) No.9074 of 2024

Date :21/06/2024

PKP/JGB/SAR /09.07.2024/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified
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