

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.05.2020

THE HON'BLE MR.JUSTICE T.RAVINDRAN

CRL.OP.No.7549 & 7550 of 2020

CRL OP NO.7549 OF 2020

Thinakaran

...Petitioner

Vs.

State represented by
Inspector of Police,
Perugavazhanthan Police station,
Thiruvarur District
Respondent

...

CRL OP NO.7550 OF 2020

Iruthayaraj

...Petitioner

Vs.

State represented by
Inspector of Police,
Perugavazhanthan Police station,
Thiruvarur District
Respondent

...

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Prayer: Criminal Original Petitions are filed under Section 438 of Cr.PC, seeking bail to the Petitioners in the event of their arrest in Crime No.144 of 2020, on the file of the respondent police.

For Petitioner : M/s. Swami Subramanian in both petitions

For Respondent : Mr.ShunmugaRejeswaran
Government Advocate (Criminal Side), in both petitions

COMMON ORDER

Apprehending arrest for the offence punishable under Section 379 IPC r/w. 21(1) of Mines and Minerals (Development & Regulation) Act 1957, in Crime No. 144 of 2020, on the file of the respondent police, the petitioners/A1 and A2 respectively have come forward with the petitions seeking for Anticipatory Bail.

2. Briefly stated, according to the prosecution, the petitioners, without any sanction or authority, had lifted the sand unauthorizedly and thereby committed the offence put forth against them.

3. According to the petitioners' counsel, the case has been falsely foisted against the petitioners and they have not committed the offence alleged against them and they have no previous case against them and ready to cooperate with the investigation and abide with the conditions that may be imposed against them by this court and sought for the relief prayed for.

4. Per contra, according to the learned Public Prosecutor, the sand involved in the occurrence is one unit and the investigation is still pending and it is admitted by the learned Public Prosecutor that no previous case is pending against the petitioners and prayed that this court, in the event of granting the relief sought for by the petitioners, may impose appropriate conditions with reference to the same.

5. Considering the nature of the accusation levelled against the petitioners and inasmuch as the quantum of sand involved in the occurrence is one unit and as no previous case is pending against the petitioners and further as the petitioners are ready to cooperate with the investigation in all aspects, I am inclined to grant the relief sought for the petitioners on conditions.

6. For the reasons aforesated, the petitioners are ordered to be released on bail in the event of their arrest or on their appearance within 15 days from the date of receipt of copy of this order before the court of Judicial Magistrate No.II, Mannargudi, Thiruvarur District, on condition of their

(i) each executing a bond for Rs.10,000/- (Rupees Ten thousand) with one surety each for a like sum to the satisfaction of the respondent police or the police officer who arrest them or the aforesated Judicial Magistrate and

(ii) jointly depositing a sum of Rs.15,000/- (Rupees Fifteen thousand) before the District Mineral Foundation, Thiruvarur District, within one week from the date of receipt of a copy of this order and

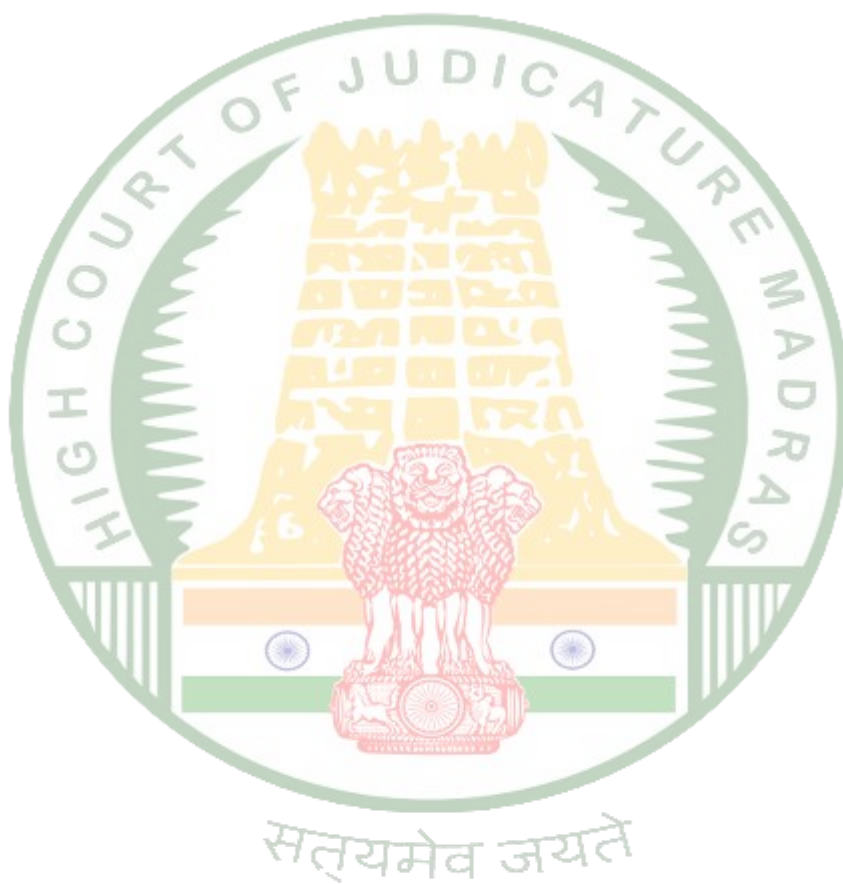
(iii) also directed to adhere to the conditions set out under Section 438 Cr.Pc.

Accordingly, the Criminal Original Petitions are allowed.

13.05.2020

Index : Yes/No
Internet : Yes/No

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T.RAVINDRAN, J

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To

1. The Inspector of Police
Perugavazhanthan Police station,
Thiruvarur District

2.The Public Prosecutor, High Court, Madras



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