



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

Date : 07/04/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP (MD) No.1735 of 2021

1. Salamon
2. J. Vijay ... Petitioners/Accused No.1 and
Rank Not Mentioned

Vs

State, Represented by
The Special Sub Inspector of Police,
Avudaiyarkoil Police Station,
Pudukkottai District.
(Cr.No.526/2020) ... Respondent/Complainant

For Petitioner : M/s.Gokul.K,
Advocate.

For Respondent : Mr.K.Dinesh Babu,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.526 of 2020 on the file of
the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehends arrest at the hands of the
respondent police for the alleged offences punishable under Sections
379 IPC r/w Sections 21(1) and 21(2) of the Mines and Minerals
(Development & Regulation) Act 1957 in Crime No.526 of 2020, seeks
anticipatory bail.

2.The case of the prosecution is that the petitioner and other
accused illegally transported 1/4 unit of river. Hence, the
complaint.

3.The learned counsel for the petitioners submitted that the
petitioners are innocent persons and they did not commit any offence
as alleged by the prosecution. He further submitted that this Court
passed an order in Crl.O.P.(MD) No.14500 of 2020, on 17.09.2020,
permitting the petitioner therein to surrender before the Court
below and file a petition. He requested before this Court to pass
such similar order in this case also.



the petitioners and other accused illegally transported ¼ unit of sand and on seeing the search party headed by defacto complainant, the petitioners and other occupants escaped from the scene of crime.

5. Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the respondent.

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6. It is seen that the petitioners and other accused illegally transported ¼ unit of sand by using an auto. Considering the request made by the learned counsel for the petitioners, this Court is inclined to follow the above said order. Accordingly, this criminal original petition is dismissed. However, the petitioners shall surrender before the concerned Court and file a bail petition. On such filing of the petition, the Court below shall consider the same and pass orders on the same day, on its own merits and in accordance with law.

sd/-
07/04/2021

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/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE JUDICIAL MAGISTRATE, ARANTHANGI
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI
- 3 THE SPECIAL SUB INSPECTOR OF POLICE,
AVUDAIYARKOIL POLICE STATION,
PUDUKKOTTAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.GOKUL.K Advocate SR.No.3048

ORDER
IN
CRL OP(MD) No.1735 of 2021
Date : 07/04/2021