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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/01/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.722 of 2022

1. MATHIYALAGAN,
2. SIVAKUMAR,

... PETITIONERS/ACCUSED NO.2 & 3

VS

STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
VALANADU POLICE STATION,
TRICHY DISTRICT.
(CRIME NO.271 OF 2021)

... RESPONDENT

FOR PETITIONER : M/S. MAHENDRARAJAN.B., ADVOCATE.

FOR RESPONDENT : MR.S.MANIKANDAN,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.271 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused Nos.2 and 3, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Section 379 I.P.C r/w. 21(1) of Mines and Minerals (Development & Regulation) Act, 1957, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners and other accused said to have illegally mining three units of sand, without valid license and permit. Therefore, the present case came to be registered.



3. The learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case.

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4. The learned Government Advocate (Crl. Side) for the respondent police submitted that the petitioners and other accused said to have illegally mining three units of sand, without valid license and permit. He further submitted that the first petitioner/A2 is having one previous case and the second petitioner/A3 is having no previous case.

5. Considering the previous antecedents of the the first petitioner/A2, who is having one previous case, this Court is not inclined to grant anticipatory bail to the first petitioner / A2. Hence, this petition is dismissed in so far as the first petitioner/ A2 is concerned.

6. Considering the nature of the mineral involved, the antecedents of the second petitioner / A3, this Court is inclined to grant anticipatory bail to the second petitioner / A3.

7. Accordingly, this Criminal Original Petition is allowed on condition that the second petitioner / A3 shall deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) to the credit of Cr.No.271 of 2021 before the trial Court concerned, without prejudice to his rights and contentions before the trial Court.

8. On such deposit being made, the second petitioner / A3 is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate, Manaparai, Trichy District, on condition that the second petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned. Due to COVID-19 pandemic situation, the second petitioner / A3 shall appear before the respondent police once in a month i.e., on first Monday of every English Calender Month at 10.30 a.m., until further orders. The second petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. Scrupulously.

9. The second petitioner / A3 shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.



10. In the result, this Criminal Original Petition is partly allowed.

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

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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,
MANAPARAI,
TRICHY DISTRICT.
- 2.-DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3.THE INSPECTOR OF POLICE,
VALANADU POLICE STATION,
TRICHY DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.722 of 2022
Date : 12/01/2022

SP/SBN/SAR II/14/02/2022/3P/5C