



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 06/07/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.11503 of 2022

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Rengaiya

... Petitioner/Sole Accused

Vs

The State Rep. By,
The Inspector of Police,
Illupur Police Station,
Pudukkottai District.
(Crime No.155/2022).

... Respondent/Complainant

For Petitioner : M/s.Mahendrarajan B,
Advocate.

For Respondent : Mr.P.Kottaichamy
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.155 of 2022 on the file of
the Respondent Police

ORDER : The Court made the following order :-

The petitioner/Sole Accused, apprehending arrest at the hands
of the respondent police for the alleged offence punishable under
Sections 379 I.P.C r/w Section 21(1) of Mines and Minerals
(Development & Regulation) Act, 1957, in Crime No.155 of 2022 on the
file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner has
illegally transported one unit of Pond soil by using Tractor.
Therefore, the present case came to be registered.

3. The learned counsel for the petitioner submitted that the
petitioner is innocent and he has been falsely implicated in this
case. However, to show his *bona fide*, the petitioner has come
forward to pay a sum of Rs.5,000/- (Rupees Five Thousand only) to
the credit of Cr.No.155 of 2022 before the trial Court concerned.

4. The learned Government Advocate (Crl. Side) for the
respondent police submitted that the petitioner has transported one
Unit of Pond Soil illegally by using Tractor. He further submitted
that there is no previous case pending against the petitioner



5. Considering the nature of the mineral involved, the antecedents of the petitioner and his willingness to pay a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of Crime Number, this Court is inclined to grant anticipatory bail to the petitioner.

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6. Accordingly, this Criminal Original Petition is allowed on condition that the petitioner shall deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of Cr.No.155 of 2022 before the trial Court concerned, without prejudice to his rights and contentions before the trial Court.

7. On such deposit being made, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate, Illupur, Pudukottai District, on condition that the 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 and the petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8. The petitioner 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.

sd/-

06/07/2022

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/07/2022

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

TO

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

ORDER

IN

CRL OP(MD) No.11503 of 2022

Date :06/07/2022

TRP

<https://www.mhjc.org.in/> II/14.07.2022/2P/5C