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CRL OP(MD). N



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

Date : 14/07/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGOVAN

CRL OP(MD). No.12707 of 2022

1. Sekar,
2. Selvakumar,
3. Karuppasamy,
4. Sundararaj,
5. Christopher,
6. Shagin Mikul Raj, ... Petitioners/Accused No.1 to6

Vs

State Rep by
The Inspector of Police,
Sivanthipatti Police Station,
Tirunelveli District.
Crime No.111 of 2022.

... Respondent/Complainant

For Petitioners: M/s. Sathya Chidambaram.S,
Advocate.

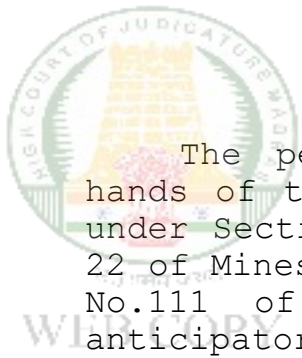
For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 111 of 2022 on the file of
the Respondent police.

ORDER : The Court made the following order :-



The petitioners/Accused Nos.1to6, apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 294(b), 307, 353 and 506(ii) of IPC r/w Section 22 of Mines and Minerals (Development and Regulation) Act, in Crime No.111 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners have illegally transported 10 units of stone by using Lorry and JCB. 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. However, to show their *bona fide*, the petitioners have come forward to pay a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Cr.No.111 of 2022 before the trial Court concerned.

4. The learned Government Advocate (Crl. Side) for the respondent police submitted that the petitioners have transported 10 units of stone by using Lorry and JCB. He further submitted that one previous case is pending against the fourth petitioner is concerned, which is not similar in nature. The other petitioners is concerned, no previous case is pending.

5. Considering the nature of the mineral involved, the antecedents of the petitioners and their willingness to pay a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Crime Number, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, this Criminal Original Petition is allowed on condition that the petitioners shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Cr.No.111 of 2022 before the trial Court concerned, without prejudice to their rights and contentions before the trial Court.

7. On such deposit being made, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate No.III, Tirunelveli, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and the petitioners shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.



8. The petitioners 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.

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14/07/2022

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Sub-Assistant Registrar (C.S.)
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 No.III,
Tirunelveli.
2. Do-Through The Chief Judicial Magistrate,
Thirunelveli District.
3. The Inspector of Police,
Sivanthipatti Police Station,
Tirunelveli District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.12707 of 2022
Date : 14/07/2022

TR/VR/SAR-III(20.07.2022) 3P 5C