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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 21/07/2022
PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.13185 of 2022

1. Salamon
2. J.Vijay

... Petitioners/Accused No.1
And Rank Not Mentioned

Vs

The State rep.by
The Special Sub Inspector Of Police,
Avudaiyarkovil Police Station,
Pudukkottai District.
Crime.No.526 of 2020.

... Respondent/Complainant

For Petitioner : M/s.SULAIMAN BASHA.J,
Advocate.
For Respondent : Mr.P.KOTTAI CHAMY,
Government Advocate (Crl.Side)

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

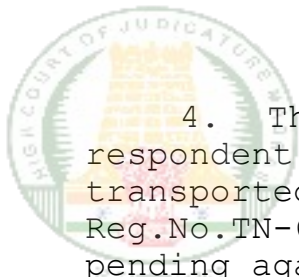
PRAYER :- For Anticipatory Bail in Crime No. 526 of 2020 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Section 379 of I.P.C r/w Section 21(1) and 21(2) of Mines and Minerals Development & Regulation Act, 1957, in Crime No.526 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners have illegally transported 1/4 unit of river sand by using Bajaj Auto bearing Reg.No.TN-63-BV-1587. Therefore, the present case came to be registered.

3. The learned counsel for the petitioner submitted that the petitioners are innocent and they have been falsely implicated in this case. However, to show their *bona fide*, the petitioner have come forward to pay a sum of Rs.3,750/- (Rupees Three Thousand Seven Hundred and Fifty only) to the credit of Cr.No. 526 of 2020 before the trial Court concerned.



4. The learned Government Advocate (Crl. Side) the respondent police submitted that the petitioners have illegally transported 1/4 unit of river sand by using Bajaj Auto bearing Reg.No.TN-63-BV-1587. He further submitted that no previous case is pending against the petitioners.

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5. Considering the nature of the mineral involved, the antecedents of the petitioners and their willingness to pay a sum of Rs.3,750/- (Rupees Three Thousand Seven Hundred and Fifty 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.3,750/- (Rupees Three Thousand Seven Hundred and Fifty only) to the credit of Cr.No. 526 of 2020 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, Aranthangi, 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.

sd/-

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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,
TODURAI DISTRICT.

<https://www.mhcn.org.in/>



3 THE SPECIAL SUB INSPECTOR OF POLICE,
AVUDAIYARKOVIL POLICE STATION,
PUDUKKOTTAI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.13185 of 2022

Date :21/07/2022

SA/VR/SAR.1/29.07.2022/3P/5C