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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/07/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP (MD) . No.13465 of 2022

1. M.Lekkan

2. Pitchai

... Petitioners/Accused Rank
not known

Vs

The State rep.by,
The Inspector of Police,
Thiruchuli Police Station,
Virudhunagar District.
Crime No.149 of 2022..

... Respondent/Complainant

For Petitioners : M/s.Balaji A,
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.149 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Section 379 of I.P.C r/w 21(1) of Mines and Minerals (Development & Regulation) Act, 1957 in Crime No.149 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners said to have illegally transported one unit of Karambai sand, without any valid permission. 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 petitioners have come forward to pay a sum of Rs.3,000/- (Rupees Three Thousand only) jointly, to the credit of Cr.No.149 of 2022 before the trial Court concerned.

4. The learned Government Advocate (Crl. Side) for the respondent police submitted that the petitioners said to have illegally transported the one unit of Karambai sand, without any valid permission. He further submitted that no previous case pending against the petitioners herein.

5. Considering the nature of the mineral involved, the antecedents of the petitioners and their willingness to pay a sum of Rs.3,000/- (Rupees three Thousand only) jointly, to the credit of Crime Number, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this Criminal Original Petition is allowed on condition that the petitioner shall deposit a sum of Rs.3,000/- (Rupees Three Thousand only) to the credit of Cr.No.149 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 petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the Special Court for MMDR Act, Srivilliputhur, 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. The petitioner shall appear before the respondent police once in a month i.e., on first Monday of every English Calendar Month 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.

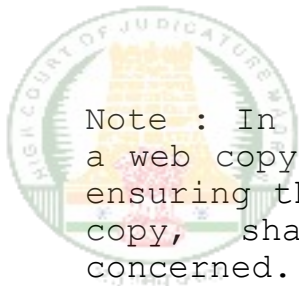
sd/-
26/07/2022

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/08/2022

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

TTA



Note : In view of the present lock down owing to COVID-19 , 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.

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TO

1. THE JUDGE,
SPECIAL COURT FOR MMDR ACT,
SRIVILLIPUTHUR.
2. THE INSPECTOR OF POLICE,
THIRUCHULI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP (MD) No.13465 of 2022

Date : 26/07/2022

RK/SVR/SAR-III/03.08.2022/3P/4C