



WEB COPY



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/08/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.14133 of 2022

1. Prabhu
2. Alexpandian

... Petitioners/Accused
No.1 & 2

Vs

State rep.by
The Inspector of Police,
Ammapettai Police Station,
Thanjavur District.
(Crime No.949 of 2022).

... Respondent/Complainant

For petitioners: M/s.Dhilipan Pandian R.L., 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.949 of 2022 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 I.P.C and Section 21(4) of Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.949 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 ½ unit of river sand in their TATA Ace car. Therefore, the present case came to be registered.



3. The learned counsel for the petitioners submitted that the petitioners are innocent and he has been falsely implicated in this case. However, to show his *bona fide*, the petitioners have come forward to pay a sum of Rs.7,500/- (Rupees Seven Thousand and Five Hundred only) to the credit of Cr.No.949 of 2022 before the trial Court concerned.

4. The learned Government Advocate (Crl. Side) for the respondent police submitted that the petitioners have transported ½ unit of river in their TATA Ace car. He further submitted that there is one 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.7,500/- (Rupees Seven Thousand and Five Hundred only) to the credit of Cr.No.949 of 2022, 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.7,500/- (Rupees Seven Thousand and Five Hundred only) to the credit of Cr.No.949 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 District Munsif Cum Judicial Magistrate, Papanassam, Thanjavur District, on condition that the petitioners 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 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/-
05/08/2022

/ TRUE COPY /

/08/2022
Sub-Assistant Registrar (C.S.IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1. THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE,
PAPANASAM,
THANJAVUR DISTRICT.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
AMMAPETTAI POLICE STATION,
THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.14133 of 2022
Date :05/08/2022

SP/SVR/SAR IV/16/08/2022/3P/5C