



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 18/08/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.14864 of 2022

WEB COPY

Balakrishnan

... Petitioner/Accused No.2

Vs

State Rep.by
The Inspector of Police,
Sethubavachathiram Police Station,
Thanjavur District.
Crime No.392 of 2022.

... Respondent/Complainant

For Petitioner : Mr.D.R.Murugesan, 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.392 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner is facing charges under Section 379 IPC and Section 21(1) of the Mines and Minerals (Development and Regulations) Act, 1957 in Crime No.392 of 2022 on the file of the respondent police.

2.The case of the prosecution is that the petitioner has transported $\frac{1}{4}$ unit of sand without any valid permission by using Bullock Cart. 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.10,000/- (Rupees Ten Thousand only) to the credit of Cr.No.392 of 2022 before the trial Court concerned.

4.The learned Government Advocate (Crl. Side) for the respondent police submitted that the petitioner is having one previous case.

5.Considering the nature of the mineral involved, the antecedents of the petitioner and his willingness to pay a sum of Rs.10,000/- (Rupees Ten Thousand only) 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.10,000/- (Rupees Ten Thousand only) to the credit of Cr.No.392 of 2022 before the learned District Munsif and Judicial Magistrate, Peravurani, 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 District Munsif and Judicial Magistrate, Peravurani, 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 shall stand dismissed.

sd/-

18/08/2022

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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 DISTRICT MUNSIF AND JUDICIAL MAGISTRATE, PERAVURANI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE, SETHUBAVACHATHIRAM POLICE STATION,
THANJAVUR DISTRICT.



CRL OP(MD). N



22

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

ORDER

IN

CRL OP(MD) No.14864 of 2022

Date :18/08/2022

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MM

RS/SVR/SAR.2 (30.08.2022) 3P-5C