



WEB COPY

CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/02/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.2226 of 2023

L.Sathiyamoorthy,

... Petitioner/Sole Accused

Vs

State Rep.by

The Inspector of Police,

Maruvloor Police Station,

Thanjavur District.

(Crime No.3/2023).. ... Respondent/Complainant

For Petitioner : M/s.Surliraja P,Advocate.

For Respondent : Mr.M.Veeranthiran,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime no.3/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 379 of IPC r/w 21(1) of Mines and Minerals (Development & Regulation Act), 1957, in Crime No.3 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner said to have illegally transported the 1/4 unit of river sand, without any permission. Therefore, the present case came to be registered.

3. The learned counsel for the petitioner submitted that the petitioner is an 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.5,000/- (Rupees Five Thousand) to the credit of Cr.No.3 of 2023 before the trial Court concerned.

4. The learned Government Advocate (Crl. Side) for the respondent police submitted that the petitioner said to have illegally transported the 1/2 unit of river sand, without any permission. He further submitted that there is no previous case pending against the petitioner.

5. Considering the nature of the mineral involved, the antecedents of the petitioner and his willingness to pay a sum of Rs.5,000/- (Rupees Five 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.5,000/- (Rupees Five Thousand only) to the credit of Cr.No.3 of 2023 before the trial Court concerned, 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 Judicial Magistrate, Thiruvaiyaru, Thanjavur District, 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. 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 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 stands dismissed.

sd/-

03/02/2023

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/02/2023

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

TTA

TO

1 THE JUDICIAL MAGISTRATE,
THIRUVAIYARU, THANJAVUR DISTRICT.



2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT @ KUMBAKONAM,

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

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

+1 CC to M/s.P.SURLI RAJA, Advocate (SR-1824[I] dated 06/02/2023)

ORDER

IN

CRL OP(MD) No.2226 of 2023

Date :03/02/2023

PKP/SSS/SAR-2/07.02.2023/3P/6C