



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.ILANGOVAN

CRL OP(MD) . No.2230 of 2023

Neelakandan
Anthonysamy

... Petitioners/Accused
Nos. 2 & 3

Vs

The State rep.by,
The Inspector of Police,
Peravurani Police Station,
Thanjavur District.
Crime No.41 of 2023.

... Respondent/Complainant

For Petitioners : M/s.Murugesan D.R.,
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.41 of 2023 on the file of
the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused Nos.2 and 3, apprehending arrest at
the hands of the respondent police for the alleged offence
punishable under Sections 379 of IPC and r/w 21(1) of Mines and
Minerals (Development & Regulation) Act, 1957 in Crime No.41 of
2023, on the file of the respondent police, seek anticipatory bail.

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



3. The learned counsel for the petitioners submitted the petitioners are innocent persons 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.5,000/- (Rupees Five Thousand only) jointly, to the credit of Cr.No.41 of 2023** before the trial Court concerned.

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

5. Considering the nature of the mineral involved, the antecedents **of the petitioners and their willingness to pay a sum of Rs.5,000/- (Rupees Five Thousand only) jointly**, 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.5,000/- (Rupees Five Thousand only) jointly, to the credit of Cr.No.41 of 2023 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, Peravurani, 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 petitioners 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/-

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,
PERAVURANI.
- 2 -DO- THROUGJ THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT.
- 3 THE INSPECTOR OF POLICE
PERAVURANI POLICE STATION,
THANJAVUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.2230 of 2023

Date :03/02/2023

VA/VR/SAR-2/07.02.2023/3P/5C