



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 03/07/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.12053 of 2023

WEB COPY

1. C.Pillaiyarsamy

2. S.Chinnakaruppiyah @ Chinnakarupayah

... Petitioners/Accused Rank Nos.1 & 2

Vs

The State Rep.by

The Inspector of Police,

Dhalavaipuram Police Station,

Virudhunagar District.

Crime No.137 of 2023.

... Respondent/Complainant

For Petitioners : M/s.Rajaboopathy D,

For Respondent : Mr.S.Manikandan,

Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.137 of 2023 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 Sections 379 IPC r/w 21(1) of Mines and Minerals (Development & Regulations) Act, 1957, in Crime No.137 of 2023, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 22.06.2022 the accused persons were illegally quarrying 1 ½ unit of udaikal and transported in their vehicles, without valid permit and license. Hence, the complaint.

3. The learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case. Hence, prays to release them on anticipatory bail.

4. The learned Government Advocate (Crl. Side) for the respondent police submitted that the first petitioner is having one previous case of similar nature and he is a habitual offender. The



second petitioner is not having any previous case at his cre

5. Considering the previous antecedents of the first petitioner, this Court is not inclined to enlarge the first petitioner on anticipatory bail and this Criminal Original Petition is dismissed, in respect of first petitioner.

6. Considering the nature of offence and the fact that the second petitioner is not having any bad antecedent, this Court is inclined to grant anticipatory bail to the second petitioner alone.

7. Accordingly, this Criminal Original Petition is partly allowed and the second petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate, Rajapalayam, Virudhunagar District, on condition that the second 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 second petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders. The second petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7. The second 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/-

03/07/2023

/ TRUE COPY /

/ 07 /2023

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

PNM

TO

1. The Judicial Magistrate, Rajapalayam,
Virudhunagar District.
2. Do-Through The Chief Judicial Magistrate,
Virudhunagar District at Srivilliputtur.
3. The Inspector of Police,
Dhalavaipuram Police Station,
Virudhunagar District.



CRL OP(MD). N



23

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.D.RAJABOOPATHY, Advocate (SR-10134[I] dated 03/07/2023
)

WEB COPY

ORDER

IN

CRL OP(MD) No.12053 of 2023

Date :03/07/2023

RD(06/07/2023) 3P 6C