



WEB COPY



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

Date : 05/07/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGOVAN

CRL OP(MD) . No.12137 of 2023

1. Velladurai

2. Mammoothu

3. Marimuthu,

4. Kaleph,

... Petitioners/Accused No.7 TO 10

Vs

The State represented by
The Inspector of Police,
Puliyangudi Police Station,
Tenkasi District.
(Crime No.236 of 2023).

... Respondent/Complainant

For Petitioner : M/s.M.Rajarajan,
Advocate.

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.236 of 2023 on the file of
the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused No.7 to 10, apprehending arrest at the
hands of the respondent police for the alleged offence punishable
under Sections 379 of IPC in Crime No.236 of 2023 on the file of the
respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 27.06.2023, on
information, when the defacto complainant went to the spot, the
petitioners have involved in illegal sand mining. Hence, the case.



3. The learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case.

4. The learned Government Advocate (Crl. Side) for the respondent police submitted that the petitioner has involved in illegal sand mining. He has transported the minerals beyond the permit limit.

5. The learned counsel for the petitioner straight away relied upon the permission that was granted by the competent authority dated 04.05.2023 to take karambai sand from the pond area with certain conditions.

6. The learned Government Advocate (Crl. Side) would submit that Violating the above said conditions, the above said sand has been taken away. Hence, the FIR has been registered. Totally there are 10 accused in this case. A1 to A6 have been arrested and still in custody. A7 to A10 are before this Court.

7. There is some violation of permit or licence as the case may be issued by the competent authority. Therefore, the competent authority can proceed only against the provisions of Rules and Regulations in that aspect. Therefore, this Court is inclined to grant anticipatory bail to the petitioners.

8. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate, Sivagiri, 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 and the petitioners 1, 3 and 4 shall appear before the respondent police daily at 10.30 a.m. until further orders. The second petitioner shall appear before the respondent police as and when required for interrogation. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

9. 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/-
05/07/2023

/ TRUE COPY /

/07/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE JUDICIAL MAGISTRATE,
SIVAGIRI.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE
PULIYANGUDI POLICE STATION,
TENKASI DISTRICT.

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

+1 CC to M/s.M.RAJARAJAN, Advocate (SR-10244[I] dated 06/07/2023)

ORDER

IN

CRL OP(MD) No.12137 of 2023

Date :05/07/2023

SS/VR/10/07/2023/3P/6C