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

Date : 14/07/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN
CRL OP(MD). Nos.12141 and 12367 of 2023

Velmurugan

... Petitioner / Accused No.1
in Crl.O.P(MD)No.12141 of 2023

Pandi

... Petitioner / Accused Rank Not Known
in Crl.O.P(MD)No.12367 of 2023

Vs

State represented by
The Inspector of Police,
Uthappanaickanur Police Station,
Madurai District,
in Crime No.127 of 2023.

... Respondent/Complainant
in both cases

Senthaman

... Intervening Petitioner/Defacto Complainant
IN CRL MP(MD).10136/2023 IN CRL OP(MD).12367/2023
& IN CRL MP(MD).10125/2023 IN CRL OP(MD).12141/2023

IN BOTH PETITIONS :

For Petitioners : M/s.S.Pandiyaraj, Advocate
For Respondent : Mr.S.Manikandan
Government Advocate (Crl.side)
For Intervenor : Mr.S.Sumesh, Advocate

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

COMMON PRAYER :-

For Anticipatory Bail in Crime No.127 / 2023 on the file of the respondent police.

COMMON ORDER : The Court made the following order :-

<https://www.mhc.tn.gov.in/judis>



The petitioners/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 506(1) and 379 of I.P.C., and 21(5) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.127 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that when the petitioners were illegally mining sand from the Odai, the defacto complainant questioned them. Hence the petitioners have threatened the defacto complainant with dire consequences. Hence the complainant.

3.The learned counsel for the petitioner submitted that the petitioners are innocent. They have not committed any offence as alleged by the prosecution. They have been wrongly implicated in this case. Hence pray for the relief of anticipatory bail.

4.The learned Government Advocate (Crl.side) would submit that eventhough strong objections has been made by the defacto complainant, the petitioners were continuing sand mining. At the time he made a call to the police station and one officer came from the police station, inspite, the illegal sand mining took place by mentioning a name of the Revenue Inspector.

5.The learned Government Advocate (Crl.side) would further submit that on previous occasion, when the defacto complainant was working in a Co-operative



society at Andipatti, a case was registered in Crime No.129 of 2022 by the petitioner / Velmurugan. As a counter blast, the present complaint has been given as 18 loads of sand has been illegally taken away from the Odai.

6. Prima facie shows that this petitioners have taken the odai sand illegally without prior permission. Eventhough, the respondent is present before this Court and stated that sand has been taken for the purpose of construction work in the village temple, the petitioner ought to have got prior permission from the mining department before taking sand. Now the sand is also stored only in the temple.

7. Accordingly, this Criminal Original Petition is allowed on condition that the petitioner shall deposit a sum of Rs.90,000/- (Rupees Ninety Thousand only) to the credit of Cr.No.127 of 2023 before the trial Court concerned, without prejudice to his rights and contentions before the trial Court.

8. 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 No.2, Usilampatti, Madurai District, 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 shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioners shall comply with the condition stipulated under Section 438



Cr.P.C. scrupulously.

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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/-
14/07/2023

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

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To

- 1 THE JUDICIAL MAGISTRATE NO.2, USILAMPATTI, MADURAI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE, UTHAPPANAICKANUR POLICE STATION, MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CRL OP(MD). Nos.12141 and 12367 of 2023
Date :14/07/2023

RS/DD/SAR-(26.07.2023) 4P 5C
Madurai Bench of Madras High Court is issuing
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