



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 07.07.2023

PRESENT

The Hon'ble Mr. Justice G.ILANGOVAN

CRL OP(MD). No.12318 of 2023

WEB COPY

1.Parthiban

2.Mathi @ Mathiyalagan

... petitioners/Accused No.1 & 2

Vs.

State Rep. by

The Inspector of Police,
Srirangam Police Station,
Trichy City, Trichy.

(Crime No.1191 of 2023).

... Respondent/Complainant

For petitioners : Mr.R.Yamuna, 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 Crime No.1191 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/1st and 2nd Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Section 379 I.P.C r/w Sections 21(1) of Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.1191 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioners have illegally transported three units of gravel sand without any permission through the Ashok Leyland Tipper lorry bearing Registration No.TN 46 M 4122. Therefore, the present case came to be registered.

3.The learned counsel for the petitioners submitted that the petitioners are innocent 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.45,000/- (Rupees Forty Five Thousand only) to the credit of Cr.No.1191 of 2023 before the trial Court concerned.

4.The learned Government Advocate (Crl. Side) for the respondent Police submitted that the petitioners have transported three units of gravel sand illegally by using tipper lorry. He



further submitted that the first petitioner already enlarged by the respondent Police. The second petitioner is the owner of the vehicle and there is no previous case is pending against him.

5. Considering the nature of the mineral involved, the antecedents of the second petitioners and his willingness to pay a sum of **Rs.45,000/- (Rupees Forty Five Thousand only)** to the credit of Crime Number, this Court is inclined to grant anticipatory bail to the second petitioner. So far the first petitioner is concerned, this Criminal Original Petition is dismissed as infructuous, since he enlarged on bail by the respondent Police.

6. Accordingly, this Criminal Original Petition is partly allowed on condition that the second petitioner shall deposit a sum of **Rs.45,000/- (Rupees Forty Five Thousand only)** to the credit of Cr.No.1191 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 second petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate, Srirangam, Trichy 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.

8. 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/-

07/07/2023

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/07/2023

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

Indu

To

1 THE JUDICIAL MAGISTRATE, SRIRANGAM, TRICHY DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.

3 THE INSPECTOR OF POLICE, SRIRANGAM POLICE STATION,
TRICHY CITY, TRICHY DISTRICT.



CRL OP(MD). N



23

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

+1 CC to M/s.R.YAMUNA, Advocate (SR-10421[I] dated 10/07/2023)

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ORDER

IN

CRL OP(MD) No.12318 of 2023

Date : 07/07/2023

RS/VR/SAR-(18.07.2023) 3P 6C