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

Date : 07.07.2023

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

CRL.O.P(MD). No.12337 of 2023

1.Raja

2.R.Manivannan

... Petitioners/ Accused Nos.1 & 2

Vs.

State Rep. by
The Inspector of Police,
Puliyarai Police Station,
Tenkasi District.
(Crime No.58 of 2023).

... Respondent/Complainant

For petitioners : Mr.C.Susi Kumar
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.58 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/ Accused Nos.1 & 2, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 379 I.P.C and 21 (1) of Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.58 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners have illegally transported 6 units of M-sa and by using lorry bearing Registration No. TN 52 J 769. 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. At that time of transporting the above said sand, voucher was not available in the hands of the accused persons. However, to show their *bona fide*, the petitioners have come forward to pay a sum of Rs.90,000/- (Rupees Ninety Thousand only) to the credit of Cr.No.58 of 2023 before the trial Court concerned.

4. The learned Government Advocate (Crl. Side) for the respondent police submitted that the petitioners have transported 6 units of M-sand illegally by using lorry. He further submitted that there is no previous case pending against the petitioners.

5. Considering the nature of the mineral involved, the antecedents of the petitioners and their willingness to pay a sum of Rs.90,000/- (Rupees Ninety Thousand only) 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.90,000/- (Rupees Ninety Thousand only) to the credit of Cr.No.58 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, Shenkottai, 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.

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/-

07/07/2023

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



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TO

- 1 THE JUDICIAL MAGISTRATE,
SHENKOTTAI, TENKASI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.
- 3 THE INSPECTOR OF POLICE
PULIYARAI POLICE STATION, TENKASI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.C.SUSI KUMAR, Advocate (SR-10513[I] dated 11/07/2023)

ORDER
IN
CRL OP(MD) No.12337 of 2023
Date :07/07/2023

SS/MMS/20/07/2023/3P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023