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

Date : 13/07/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.12738 of 2023

Balu

... Petitioner/ Accused Rank not known

Vs

The State represented by
The Inspector of Police,
Natham Police Station,
Dindigul District.
Crime No.339 of 2023..

... Respondent/ Complainant

For Petitioner : M/s.Ramesh Raja P.T, 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.339 of 2023 on the file of the Respondent
Police.

ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the
respondent police for the alleged offence punishable under Section 379 I.P.C r/w 21
(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.339

of 2023, on the file of the respondent police, seeks anticipatory bail.



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2. The case of the prosecution is that the accused persons had illegally transported 1 unit of river sand without valid permit. Therefore, the present case came to be registered.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. However, to show his *bona fide*, the petitioner has come forward to pay a sum of Rs.15,000/- (Rupees Fifteen Thousand only) to the credit of Cr.No.339 of 2023 before the trial Court concerned. Hence, prays to release him on anticipatory bail.

4. The learned Government Advocate (Crl. Side) for the respondent police submitted that though there is no previous case pending against the petitioner herein, the accused persons had transported mineral illegally. Hence prays to dismiss the petition.

5. Considering the nature of the mineral involved, the antecedents of the petitioner and his willingness to pay a sum of Rs.15,000/- (Rupees Fifteen Thousand only) to the credit of Crime Number, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this Criminal Original Petition is allowed on condition that the petitioner shall deposit a sum of *Rs.15,000/- (Rupees Fifteen Thousand only)* to the credit of Cr.No.339 of 2023 before the trial Court concerned, without prejudice to his rights and contentions before the trial Court.



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7. On such deposit being made, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned *Judicial Magistrate, Natham, Dindigul District*, on condition that the 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 petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8. The 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/-
13/07/2023

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/07/2023

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

pnm

TO

1 THE JUDICIAL MAGISTRATE
NATHAM, DINDIGUL.

<https://www.nidm.gov.in/index> 2. DO THROUGH :

THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL DISTRICT.



4

3 THE INSPECTOR OF POLICE
NATHAM POLICE STATION,
DINDIGUL DISTRICT.

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

+1 CC to M/s.P.T.RAMESH RAJA, Advocate (SR-10641[I] dated 13/07/2023)

ORDER
IN
CRL OP(MD) No.12738 of 2023
Date :13/07/2023

SS/MMS/24/07/2023/4P/6C

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