



CRL OP(MD) No.12855 of 2023

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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) No.12855 of 2023

1.S.Dhinakaran @ Dinakaran,
2.M.Gajendran @ Kajenthiran,
3.R.Palraj @ Balraj

... Petitioners/ Accused Nos.1 to 3

Vs.

State Rep. by
The Inspector of Police,
Papanasam Police Station,
Thanjavur District.
(Crime No.193 of 2023).

... Respondent/ Complainant

For petitioners : Mr.R.L.Dhilipan Pandian
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.193 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/1 to 3 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(4) of Mines and Minerals (Development & Regulation) Act, 1957, in

Crime No.193 of 2023 on the file of the respondent police, seeks anticipatory bail.

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



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2. The case of the prosecution is that the petitioners have illegally transported 1/4 unit of river sand by using three bullock carts each without any permission through bullock carts. 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.10,000/- (Rupees Ten Thousand only) each to the credit of Cr.No.193 of 2023 before the trial Court concerned.

4. The learned Government Advocate (Crl. Side) for the respondent Police submitted that the petitioners have transported 1/4 unit of river sand illegally each by using three bullock carts. He further submitted that the first and third petitioners are having one previous case in similar nature. The second petitioner is having no previous case at his credit.

5. Considering the nature of the mineral involved, the antecedents of the second petitioner and his willingness to pay a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Crime Number, this Court is inclined to grant anticipatory bail to the second petitioner. So far the first and third petitioners are concerned, this Criminal Original Petition is dismissed, since they are involved in previous case, which is similar in nature.



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6. Accordingly, this Criminal Original Petition is partly allowed on condition that the second petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Cr.No.193 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 District Munsif cum Judicial Magistrate, Papanasam, Thanjavur 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/-
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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INDU
TO

- 1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
PAPANASAM, THANJAVUR DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT @ KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE
PAPANASAM POLICE STATION
THANJAVUR DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN

CRL OP(MD) No.12855 of 2023

Date :14/07/2023

PKP/DD/SAR- /25.07.2023/ 4P/5C

Madurai Bench of Madras High Court is issuing certified
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