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

Date : 25/07/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.13516 of 2023

1. Masi

2. Kumar

3. Kollimalai

4. Nagarajan

5. Sakthivel

... Petitioners/ Accused No.1 to 5

Vs

The State represented by
The Inspector of Police,
Illupur Police Station.
Pudukottai District.
In Crime No.161 Of 2023..

... Respondent/Complainant

For Petitioners : M/s.Ganapathi Subramanian.P., 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.161 of 2023 on the file of the respondent



ORDER : The Court made the following order :-

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The petitioners/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 379 IPC r/w Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.161 of 2023, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 09.07.2023 the accused persons illegally transported 3 units of gravel sand in two tipper lorries without valid permit. Hence, the complaint.

3. The learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case. Hence, prays to release them on anticipatory bail.

4. The learned Government Advocate (Crl. Side) for the respondent police submitted that the fifth petitioner/A5 is having one previous case in similar nature and other petitioners are not having any previous case at their credit.

5. Considering the previous antecedents of the fifth petitioner, this Court is not inclined to enlarge him on anticipatory bail. Hence, this Criminal Original Petition is dismissed in respect of fifth petitioner.

6. On considering the nature of offence and that the petitioners 1 to 4 are not having any bad antecedents, this Court is inclined to grant anticipatory bail to the petitioners 1 to 4 alone.



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7. Accordingly, this Criminal Original Petition is partly allowed and the petitioners 1 to 4 are ordered to be released on bail in the event of arrest or on their appearance, before the learned *Judicial Magistrate, Iluppur, Pudukottai 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.

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/-
25/07/2023

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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
ILUPPUR, PUDUKOTTAI DISTRICT.

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

THE CHIEF JUDICIAL MAGISTRATE, PUDUKOTTAI DISTRICT.



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3 THE INSPECTOR OF POLICE
ILLUPUR POLICE STATION.
PUDUKOTTAI DISTRICT.

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

ORDER
IN
CRL OP(MD) No.13516 of 2023
Date :25/07/2023

SS/MMS/29/07/2023/4P/5C

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