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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/07/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.13800 of 2023

Narayanasamy

... Petitioner/ Accused No.4

Vs

The State represented by
The Inspector of Police,
Vatchakarapatti Police Station,
Virudhunagar District.
(Crime No.148/2023).

... Respondent/Complainant

For Petitioner : M/s.M.Jothi Basu, 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.148/2023 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 IPC r/w 21(5) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.148 of 2023, on the file of the respondent police, seeks anticipatory bail.



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2. The case of the prosecution is that on 15.07.2023 the accused persons had transported gravel sand in the vehicle. Therefore, the present case came to be registered.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent and not committed any offence as alleged by the prosecution. The co-accused has already been enlarged on anticipatory bail. Hence, prays to release him on anticipatory bail.

4. The learned Government Advocate (Crl. Side) for the respondent police submitted that though the petitioner is not having any previous case, the accused persons had transported mineral without valid permit. Hence, prays to dismiss the petition.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. Considering the facts that the petitioner is not having any previous case and the co-accused has already been enlarged on bail, this Court is inclined to grant anticipatory bail to the petitioner.



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7. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned *Sessions Judge, Special Court for Mines and Minerals Act Case, Virudhunagar District at Srivilliputhur*, 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 Judge 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 Judge 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/-
28/07/2023

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/08/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO

- 1 THE SESSIONS JUDGE,
SPECIAL COURT FOR MINES AND MINERALS ACT CASE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 2 THE INSPECTOR OF POLICE
VATCHAKARAPATTI POLICE STATION, VIRUDHUNAGAR DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-11434[I] dated 28/07/2023)

ORDER
IN
CRL OP(MD) No.13800 of 2023
Date :28/07/2023

SS/MR/07/08/2023/4P/5C

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