



CRL OP(MD). No.14981 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/08/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.14981 of 2023

Sivakumar

... Petitioner / Accused No.5

Vs

State, rep by
The Inspector of Police,
Thiruvidadaimaruthur Police Station,
Thanjavur District.
(Crime No.1122 of 2021).

... Respondent / Complainant

For Petitioner : Mr.K.M.Karunakaran, Advocate.

For Respondent : Mr.R.Suresh Kumar,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C.

PRAYER :-

For Anticipatory Bail in Crime No.1122 of 2021 on the file of the Respondent Police.



CRL OP(MD). No.14981 of 2023

ORDER: The Court made the following order :-

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The petitioner/Accused No.5, apprehending arrest at the hands of the respondent Police for the alleged offence punishable under Sections 379 of I.P.C and 21(4) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.1122 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 27.12.2021 on secret information, when the respondent Police conducted the raid at Kurinchimalai, the respondent Police stopped and checked the vehicle. At that time, he found that the petitioner and others illegally transported ½ unit of river sand using TATA Ace vehicle. Hence, the present case came to be registered.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent and he has been falsely implicated in this case. However, to show his bona fide, the petitioner has come forward to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only).

4. The learned Government Advocate (Crl. Side) for the respondent police submitted that the petitioner has transported ½ unit of sand illegally. He further submitted that there is no previous case pending against the petitioner herein.

5. Considering the nature of the mineral involved, the antecedents of the petitioner and his willingness to pay a sum of Rs.10,000/- (Rupees Ten Thousand



CRL OP(MD). No.14981 of 2023

only) this Court is inclined to grant anticipatory bail to the petitioner.

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6. Accordingly, this Criminal Original Petition is allowed on condition that the petitioner shall deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of Cr.No.1122 of 2021 before the trial Court concerned. Further, the petitioner shall deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of the Account Number (A/c.No.7567821433, Indian Bank, High Court Branch Madurai (2001), IFSC Code:IDIB000H040) opened by the Registrar Judicial, Madurai Bench of Madras High Court, Madurai, for donating law books in the name of “Madurai Bench of Madras High Court” in Kalaignar Centenary Library, Madurai, without prejudice to his rights and contentions before the trial Court.

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 District Munsif cum Judicial Magistrate, Thiruvudaimaruthur, 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



CRL OP(MD). No.14981 of 2023

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of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
17/08/2023

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

INDU

To

- 1.The District Munsif cum Judicial Magistrate,
Thiruvudaimaruthur.
- 2.Do through the Chief Judicial Magistrate,
Thanjavur District at Kumbakonam.
- 3.The Inspector of Police,
Thiruvudaimaruthur Police Station,
Thanjavur District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to:

- 1.The Registrar (Judicial),
Madurai Bench of Madras High Court, Madurai.
- 2.The Officer Incharge,
Kalaigamar Centenary Library, Madurai.

+1 CC to M/s.K.M.KARUNAKARAN, Advocate (SR-12412[I] dated 17/08/2023)
<https://www.mhc.tn.gov.in/judis>



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CRL OP(MD). No.14981 of 2023

ORDER
IN
CRL OP(MD) No.14981 of 2023
Date :17/08/2023

ED/VRS/SAR- (29/08/2023) 5P / 8C

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