



CRL OP(MD) No.15222 of 2023

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

Date : 05.09.2023

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

CRL OP(MD) No.15222 of 2023

1.Mariyappan

2.Mahalingam @ SundaraMahalingam

... Petitioners/ Accused Nos.4 and 5

Vs.

State Rep. by

The Inspector of Police,

Srivilliputhur Town Police Station,

Srivilliputhur,

Virudhunagar District.

(Crime No.346 of 2023).

... Respondent/ Complainant

For petitioners : Mr.J.SANKARA PANDIAN
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 Crime No.346 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/ Accused Nos.4 and 5, apprehending arrest at the hands of the respondent Police for the alleged offence punishable under Section 379 I.P.C r/w Sections 21(1) of Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.346 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on getting secret information with regard



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to the sand theft, when the respondent Police reached Kaali temple situated at Srivilliputhur, Tiruvannamalai, they found the accused engaged in theft of sand by using JCB vehicle bearing Registration No.TN 67 AX 8330 in two tractors illegally. 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.346 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 $\frac{3}{4}$ unit of sand illegally by using JCB vehicle and tractors. He further submitted that the first petitioner is involved in the offence under Section 302 IPC, which was ended in acquittal and no other similar cases are pending against him. Further, the second petitioner is involved in previous cases, which are similar in nature.

5. Considering the nature of the mineral involved, the antecedents of the first petitioner and his willingness to pay a sum of Rs.10,000/- (Rupees TenThousand only) to the credit of Crime Number, this Court is inclined to grant anticipatory bail to the first petitioner. So far the second petitioner is concerned, this Criminal



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in nature.

Original Petition is dismissed, since he is involved in previous case, which is similar in nature.

6. Accordingly, this Criminal Original Petition is allowed on condition that the first petitioner shall deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of Cr.No.346 of 2023 before the trial Court concerned. Further, the first 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 Kalaingar Centenary Library, Madurai, 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 Judicial Magistrate No.II, Srivilliputhur, Virudhunagar 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.



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8. The first 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.

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05/09/2023

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/09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU
TO
1 THE JUDICIAL MAGISTRATE NO.II,
SRIVILLIPUTHUR, VIRUDHUNAGAR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE INSPECTOR OF POLICE,
SRIVILLIPUTHUR TOWN POLICE STATION,
SRIVILLIPUTHUR,
VIRUDHUNAGAR 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.

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ORDER
IN
CRL OP(MD) No.15222 of 2023
Date :05/09/2023

SA/JGB/SAR. /15.09.2023/5P/7C

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