



CRL OP(MD). No.15311 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/08/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

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1. Palanisamy,

2. Shanmugam,

3. Veeramalai @ Durai,

4. Periyasamy,

5. Murugan,

... Petitioners/ Accused Nos. 2 to 6

Vs

State Rep.by
The Inspector of Police,
Manikandam Police Station,
Trichy District.
in Crime No.116/2023..

... Respondent/Complainant

For Petitioner : M/s.Jameel Arasu B, Advocate.

For Respondent : Mr.S.Manikandan,Government Advocate (Cr1.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.116/2023 on the file of the Respondent Police.



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ORDER: The Court made the following order :-

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The petitioners/Accused No.2 to 6, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 379 IPC and 21 (4) of Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.116 of 2023, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 03.07.2023, at about 6.30 p.m., while the respondent police conducted the raid, they noticed that the petitioners illegally transported $\frac{1}{4}$ unit of river sand in the bullock cart without any valid license and permissions. Hence, the case.

3. The learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case.

4. The learned Government Advocate (Crl. Side) for the respondent police submitted that the first petitioner is having two previous cases, similar in nature, the second petitioner is having three previous cases, similar in nature and the fourth petitioner is having one previous case, similar in nature. The third and fifth petitioners are having one previous case under other offence. The petitioners are trying to transport $\frac{1}{4}$ unit of river sand illegally.

5. Considering the previous antecedents of the petitioners 1, 2 and 4, this Court is not inclined to grant anticipatory bail to them.



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6.The learned counsel for the petitioners would submit that to show their bona fide, the petitioners 3 and 5 have come forward to deposit a sum of Rs.5,000/- (Rupees Five Thousand only).

7.Considering the nature of the mineral involved, the antecedents of the petitioners 3 and 5 and their willingness to pay a sum of Rs.5,000/- (Rupees Five Thousand only) this Court is inclined to grant anticipatory bail to the petitioners 3 and 5.

8. Accordingly, this Criminal Original Petition is allowed in respect of the petitioners 3 and 5 on condition that the petitioners 3 and 5 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 their rights and contentions before the trial Court.

9. On such deposit being made, the petitioners 3 and 5 are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate No.IV, Tiruchirappalli, on condition that the petitioners 3 and 5 shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with



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two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and the petitioners 3 and 5 shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioners 3 and 5 shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

10. The petitioners 3 and 5 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.

11. This petition is dismissed in respect of the petitioners 1,2 and 4.

sd/-

23/08/2023

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/09/2023

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

TM

TO

- 1 THE JUDICIAL MAGISTRATE NO.IV
TRICHIRAPPALLI.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.



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3 THE INSPECTOR OF POLICE
MANIKANDAM POLICE STATION,
TRICHY DISTRICT.

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

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ORDER
IN

CRL OP(MD) No.15311 of 2023

Date :23/08/2023

PKP/VRS/SAR- /05.09.2023/ 5P/ 8C

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