



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/09/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.16251 of 2023

Raja,

... Petitioner/ Accused No.1

Vs

State rep. by
The Inspector of Police,
Ponnamaravathi Police Station,
Pudukkottai District
Crime No 159 of 2023.

... Respondent/ Complainant

For Petitioner : M/s Arun Prasad.A,
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. 159 of 2023 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/ Accused apprehends arrest at the hands of the respondent police



for the offences under Sections 379 of IPC r/w Section 21(1) of Mines and minerals (Development & Regulation) Act, 1957, in Crime No.159 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 02.09.2023, at about 06.30 hours, on receiving an information about sand theft, the police team went to the occurrence place and conducted vehicle checkup, found a tipper lorry loaded with 2 1/2 units of gravel sand without valid permit. Hence the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent and he has been falsely implicated in this case. He has not committed any offence as alleged by the prosecution. However, to show his bona fide, the petitioner has come forward to deposit a sum of Rs.12,500/- (Rupees Twelve Thousand and Five Hundred only).

4. Learned Government Advocate (Crl.side) would submit that the petitioner has illegally transported 2 1/2 units of gravel sand without proper licence. The petitioner is having one previous case, but not in similar nature.

5. Considering the nature of the mineral involved, and his willingness to pay a sum of Rs.12,500/- (Rupees Fifteen Thousand only) this Court is inclined to grant anticipatory bail to the petitioner.



6. Accordingly, this Criminal Original Petition is allowed on condition that

(i) 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 Kalaingar Centenary Library, Madurai, without prejudice to his rights and contentions before the trial Court.

ii) further, the petitioner shall deposit a sum of Rs. 10,000/- (Rupees Ten Thousand only) to the credit of Crime No.159 of 2023 before the learned Judicial Magistrate, Pponnamaravathi.

7. On such deposit, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate, Pponnamaravathi, 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 petitioners 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 of 15 days from the date on which the order copy is made ready, failing which, the petition for anticipatory bail will stand dismissed.

sd/-
08/09/2023

/ TRUE COPY /

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

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TO

1. The Judicial Magistrate, Ponnamaravathi.
2. Do-Through The Chief Judicial Magistrate,
Pudukottai District.
3. The Inspector of Police,
Ponnamaravathi Police Station,
Pudukkottai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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2 THE OFFICER INCHARGE
KALAINAR CENTENARY LIBRARY, MADURAI,

+1 CC to M/s.A.ARUN PRASAD, Advocate (SR-13418[I] dated 11/09/2023)

ORDER
IN
CRL OP(MD) No.16251 of 2023
Date :08/09/2023

SSA/JGB/26.09.2023/5P/8C

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